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Statutes  
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Ontario. Statutes

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STATUTES

OF THE

*W. H. Smyth*  
*Sept- 30<sup>th</sup> 1875*

PROVINCE OF ONTARIO,

PASSED IN THE SESSION HELD IN THE

THIRTY-EIGHTH YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

BEING THE FOURTH SESSION OF THE SECOND PARLIAMENT OF ONTARIO,

BEGUN AND HOLDEN AT TORONTO, ON THE TWELFTH DAY OF NOVEMBER, IN THE YEAR OF  
OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

1874 (Vol. 2)



*212044*  
*9:51:27*

HIS EXCELLENCY  
THE HONOURABLE JOHN CRAWFORD,  
LIEUTENANT-GOVERNOR.

Toronto:

PRINTED BY JOHN NOTMAN,  
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

ANNO DOMINI, 1874.

HUNTER, ROSE AND COMPANY,  
PRINTERS, TORONTO.



ANNO TRICESIMO-OCTAVO.

# VICTORIÆ REGINÆ.

## CAP. I.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government, for the year one thousand eight hundred and seventy-five, and of Legislation and other Services, for the year one thousand eight hundred and seventy-four.

[Assented to 21st December, 1874.]

MOST GRACIOUS SOVEREIGN:—

**W**HEREAS it appears by Messages from His Excellency the Honourable John Crawford, Lieutenant-Governor of Ontario, and the Estimates accompanying the same, that the sums hereinafter mentioned in Schedule "A" in this Act are required to defray certain expenses of the Civil Government of this Province, and of the Public Service thereof, and for other purposes, for the year one thousand eight hundred and seventy-five, and of Legislation and other services for the year one thousand eight hundred and seventy-four: May it therefore please your Majesty, that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

Preamble.

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of two millions two hundred and twenty-five thousand five hundred and ninety-eight dollars and fourteen cents, for defraying the several charges and expenses of the Civil Government of this Province, and of the Public Service thereof, and for other purposes, for the year one thousand eight hundred and seventy-five, and of Legislation and other Services for the year one thousand eight hundred and seventy-four, as set forth in Schedule "A" to this Act.

Accounts to  
be laid before  
the Legisla-  
ture.

2. Accounts in detail of all moneys received on account of this Province, and of all expenditures under this Act, shall be laid before the Legislative Assembly at its next sitting.

Unexpended  
moneys.

3. Any part of the money appropriated by this Act which shall be unexpended on the thirty-first day of December, one thousand eight hundred and seventy-five, shall not be expended thereafter.

Expenditure  
to be accounted  
for to Her  
Majesty.

4. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

## SCHEDULE "A."

Sums granted to Her Majesty by this Act for the year one thousand eight hundred and seventy-five, and the purposes for which they are granted.

To defray the expenses of Salaries and Contingencies of the several Departments at Toronto.

### *Civil Government ;*

Government House .....	\$5,412 00
Lieutenant-Governor's Office .....	1,700 00
Executive Council and Attorney-General's Office .....	12,236 00
Treasury Department .....	16,500 00
Secretary and Registrar's Office .....	22,420 00
Department of Public Works .....	18,572 00
"    Agriculture .....	1,100 00
"    Immigration .....	2,194 00
Public Institutions .....	5,700 00
Crown Lands Department .....	51,130 00
Miscellaneous .....	15,090 00

Total of Civil Government.....	\$152,054 00
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### *Legislation :*

To defray expenses of Legislation .....	\$105,200 00
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### *Administration of Justice :*

Court of Chancery .....	\$ 21,630 00
Court of Queen's Bench .....	8,520 00
Court of Common Pleas.....	5,110 00
Superior Judges and Court of Appeal.....	14,210 00
Criminal Justice .....	121,000 00
Miscellaneous Justice .....	48,135 00

\$218,605 00

Arrears payable to R. G. Dalton, Clerk of the  
Crown and Pleas, from 20th Feby., 1870, to  
1st. Jany., 1871 .....

860 00

\$219,465 00

*Education :*

*Education :*

To defray expenses of		
Public and Separate Schools .....	\$240,000	00
Inspection of Public and Separate Schools .....	27,350	00
Schools in New and Poor Townships .....	8,000	00
Collegiate Institutes and High Schools .....	80,500	00
Inspection of " " " " .....	7,180	00
County Organization of Teachers .....	2,035	00
County Teachers' Institutes .....	2,800	00
Superannuated Teachers .....	29,000	00
Normal and Model School Salaries .....	16,900	00
Contingencies and repairs .....	7,065	00
Educational Museum Library .....	2,650	00
Journal of Education .....	2,400	00
Maps, Apparatus, and Library Books .....	50,000	00
Educational Depository, Salaries .....	4,855	00
do Contingencies .....	3,110	00
Education Office, Salaries .....	14,040	00
do Contingencies and repairs .....	5,490	00
Council of Public Instruction .....	2,500	00
Normal School Ottawa, Salaries and contingencies	5,000	00
Total of Education .....	\$510,875	00

*Public Institutions—Maintenance :*

To defray expenses of		
Asylum for the Insane, Toronto .....	\$85,448	00
do do London and Idiot Asylum		
Branch of same .....	84,042	00
Asylum for the Insane, Kingston .....	52,195	00
Provincial Reformatory, Penetanguishene .....	21,794	00
Central Prison .....	46,340	00
Institution for Deaf and Dumb, Belleville .....	32,939	00
do Blind, Brantford .....	22,539	00
School of Agriculture .....	18,388	00
do Practical Science .....	5,800	00
Total of Public Institutions .....	\$369,485	00

*Immigration :*

To defray expenses of Agencies in Europe .....	13,410	00
Agencies in Canada .....	7,100	00
Dominion Government, to meet proportion of charges for forwarding immigrants to Ontario	25,000	00
Carriage of Immigrants in Ontario, including maintenance .....	10,000	00
Provisions and medical attendance for same .....	10,000	00
Assistance, by way of payments in reduction of passage money to selected emigrants for Ontario, and specially consigned to Ontario Agent at Quebec .....	45,000	00
Amount required to meet bonus certificates for arrivals in 1874, and yet to come in (re-vote in part) .....	5,000	00



Commissions to shipping and other occasional agents forwarding emigrants to Ontario .....	\$5,000 00
Incidentals.....	1,300 00

Total of Immigration..... \$121,810 00

*Agriculture, Arts, Literary and Scientific Institutions :*

To defray expenses of

Electoral Division Societies, 78 at \$700 .....	54,600 00
Do 1 at \$550 .....	550 00
Do 7 at \$350 .....	2,450 00
Do 5 at \$700 ..	3,500 00
Muskoka and outlying districts .....	700 00
Fruit Growers' Association .....	1,000 00
Entomological Society .....	750 00
Dairymen's Association.....	700 00
Agricultural do .....	10,000 00
For sundry services in connection with Agriculture and Arts, such as—investigation of diseases in animals and crops, and of ravages of in- sects, and for agricultural instruction, dairy products, and other charges not otherwise pro- vided for .....	2,000 00

*Arts :*

Mechanics' Institutes .....	20,000 00
Art Unions .....	500 00

*Literary :*

Aid to Canadian Institute, Toronto.....	750 00
Do Institut Canadien, Ottawa .....	300 00
Do Athenæum “ .....	300 00

*Scientific :*

To promote Scientific research.....	\$500 00
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Total of Agriculture, Arts, &c..... 95,100 00

*Hospitals and Charities :*

To defray expenses of a grant in aid of Hos-  
pital and Charities.

For Hospitals and Institutions mentioned in Schedule “A” of Statute.....	33,000 00
Institutions in Schedule “B” of Statute.....	9,000 00
Do “ “C” “ .....	8,000 00
To defray expenses required to make up deficiency in allowances to certain Hospitals and Char- ities under Act, so as to equal amount paid in 1874 .....	2,346 00

Total of Hospitals &c..... 52,346 00

*Miscellaneous*

*Miscellaneous Expenditure :*

To cover expenses of collection of Revenue for law stamps and licenses .....	\$2,500 00	
To cover expenses in connection with Municipalities, and other funds.....	100 00	
To provide for expenses attending the settlement of the Municipal loan Fund debt, and surplus schemes .....	2,000 00	
To provide for expenses, <i>re</i> Ontario and Quebec settlement .....	4,000 00	
To provide for expenses, <i>re</i> Northern and Western boundaries .....	4,000 00	
Marriage licenses, printing and incidentals.....	400 00	
Inspection of Railways .....	500 00	
Ontario Rifle Association .....	600 00	
Orillia Asylum, caretaker.....	200 00	
Insurance on public buildings and furniture.....	7,000 00	
Consolidation of Statute Law, (revote in part).....	5,000 00	
Expenses of elections.....	26,600 00	
“ contested elections.....	5,000 00	
“ ballot boxes, locks, distribution, and incidental .....	8,000 00	
“ County Court Judges for expenses at revision of voters lists for 1874, \$3,000, for 1875, \$3,000.....	6,000 00	
		71,900 00

*Unforeseen and unprovided :*

To meet unforeseen and unprovided.....	50,000 000
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*Public Buildings:*

To defray expenses of		
Asylum for the insane, Toronto.....	1,200 00	
Do London.....	4,200 00	
Inebriate Asylum, Hamilton.....	45,000 00	
Provincial Reformatory, Penetanguishene .....	6,000 00	
Central Prison.....	800 00	
Deaf and Dumb Institute.....	4,500 00	
Blind Institute.....	2,600 00	
School of Agriculture.....	12,530 00	
Do Practical Science .....	200 00	
Normal School and education Office .....	1,500 00	
Normal School, Ottawa .....	34,000 00	
Osgoode Hall.....	3,600 00	
Government House.....	1,000 00	
Court house and Gaol, Sault St. Marie.....	1,200 00	
Lock-up, “ Thunder Bay.....	6,000 00	
Do “ Nipissing District.....	2,000 00	
Registry Office, Parry Sound “ .....	100 00	
Total of Public Buildings... ..		126,430 00

*Public Works :*

To defray expenses of		
Grand River navigation improvement .....	10,000 00	

Lock

Lock between Mary and Fairy Lakes .....	\$3,000 00	
Settlers' Homestead Fund .....	4,100 00	
Otonabee River cribs and booms below Young's Lock .....	2,000 00	
Gull and Burnt River waters .....	5,930 00	
Swing and fixed bridges and approaches, Port Carling .....	1,200 00	
Timber slide, High Falls, Muskoka River .....	3,940 00	
Wye River dredging bar .....	8,000 00	
Balsam River works .....	1,000 00	
Ryerson Road .....	1,000 00	
Seugog River, dredging, &c. ....	5,000 00	
Bridge and approaches, Muskoka Falls .....	1,500 00	
Surveys, inspections, arbitrations and awards, and charges not otherwise provided for .....	5,000 00	
Washago and Gravenhurst Road, maintenance.....	800 00	
Maintenance of locks, dams and swing bridges ...	2,000 00	
Lock masters' and bridge tenders' salaries .....	1,400 00	
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Total of Public Works .....		55,870 00
<i>Colonization Roads :</i>		
To defray expenses of		
Construction and repairs.....		98,300 00
<i>Charges on Crown Lands :</i>		
To defray expenses on		
Expenditure on account of Crown Lands .....		86,700 00
<i>Refund Account :</i>		
To defray expenses on		
Education .....	750 00	
Crown Lands.....	23,000 00	
Municipalities' Fund.....	58,213 40	
Land Improvement Fund .....	28,099 74	
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Total Refund Account .....		110,063 14
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Total .....		\$2,225,598 14

## CAP. II.

## An Act to re-adjust the Representation in the Legislative Assembly.

[Assented to 21st December, 1874.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Legislative  
Assembly how  
composed.

1. The Legislative Assembly shall be composed of eighty-eight members ; and the Province shall, for the purposes of the election



election of members to serve in the Legislative Assembly, continue to be divided into the several Electoral Districts established by "The British North America Act," each represented as it now is, except where altered by this Act.

2. The present division of the County of Huron into two ridings is hereby abolished, and the said county shall be divided into three ridings to be called respectively the South, the East and the West Riding; each of which shall be an electoral district, and shall return one member;

The South Riding to consist of the Townships of Tuckersmith; Usborne, Stephen, Hay and Stanley, and that portion of the Township of Goderich south of the line known as "the Cut Line" and Huron Road, and the Village, otherwise called the Town of Seaforth, and the Village of Exeter;

The West Riding to consist of the Townships of Ashfield, Wawanosh (East and West) Colborne, and those parts of Hullett and Turnberry respectively, which lie west of the road commonly called the Gravel Road, and that part of the Township of Goderich north of the said Huron Road and "Cut Line," and the Town of Goderich, and the Village, otherwise called the Town, of Clinton, and the Village of Wingham;

The East Riding to consist of the Townships of Howick, Grey, Morris, McKillop and those parts of Hullett and Turnberry respectively, which lie east of the road commonly called the Gravel Road, and the Village of Brussels.

3. The Electoral County of Bothwell is hereby abolished. Bothwell

4. The County of Kent as constituted for municipal purposes shall be divided into two ridings, and each riding shall return one member;

The East Riding to consist of the Townships of Zone, Camden (with the Gore thereof) Orford, Howard, and Harwich, and the Town of Bothwell, Villages of Blenheim and Dresden;

The West Riding to consist of the Townships of Romney, East Tilbury, Raleigh, Dover East, Dover West, and Chatham, and the Town of Chatham.

5. The County of Lambton as constituted for municipal purposes shall be divided into two Ridings, and each Riding shall return one member;

The East Riding of Lambton to consist of the Townships of Bosanquet, Warwick, Plympton, Brooke and Euphemia, and the Villages of Wyoming, Watford, and Forest;

The West Riding of Lambton to consist of the Townships of Sombra, Dawn, Moore, Enniskillen, and Sarnia, the Towns of Sarnia and Petrolia, and the Village of Oil Springs.

6. The County of Essex shall be divided into two Ridings, and each Riding shall return one Member;

The North Riding of Essex to consist of the Townships of Tilbury West, Rochester, Maidstone, Sandwich East, and Sandwich West, the Towns of Windsor and Sandwich, and the Village of Belle River ;

The South Riding of Essex to consist of the Townships of Mersea, Gosfield, Colchester, Malden, and Anderdon, the Town of Amherstburgh and the Village of Leamington, and the Municipality of Point au Pelée Island.

Dufferin.

7. The Township of Mono (taken from Cardwell), the Township of Melancthon (taken from South Grey), the Township of Amaranth (taken from North Wellington), the Township of East Garafraxa, and the Town of Orangeville (both taken from Centre Wellington), and the Township of Mulmur (taken from South Simcoe), shall form a provisional municipal county, and an electoral district, to be called the County of Dufferin, and shall return one member.

Cardwell.

8. The Electoral District of the County of Cardwell shall consist of the Townships of Caledon, Albion and Adjala, (now belonging to the said County), and the Township of Tecumseth (taken from South Simcoe) and the Village of Bolton.

Grey.

9. The present two ridings of the County of Grey are hereby abolished; and the territory hereinafter mentioned, being that portion of the County of Grey which remains after setting apart the County of Dufferin, shall be divided into three ridings, to be called respectively the South, the East, and the North Riding of the County of Grey, each of which Ridings shall return one member ;

The South riding to consist of the Townships of Bentinck, Glenelg, Normanby and Egremont, and the Town of Durham :

The East riding to consist of the Townships of Osprey, Colingwood, Proton, Artemesia, Euphrasia and Holland ;

The North riding to consist of the Townships of St. Vincent, Sydenham, Sullivan, Derby, Keppel and Sarawak, and the Towns of Owen Sound and Meaford.

Wellington.

10. The present ridings of the County of Wellington are hereby abolished, and the territory, being that portion of the County of Wellington which remains after constituting the said County of Dufferin, shall be divided into three ridings, to be called respectively the South, the Centre and the West Riding of the County of Wellington, each of which shall return one member ;

The South Riding to consist of the Townships of Guelph, Puslinch and Eramosa, and the Town of Guelph ;

The Centre Riding to consist of the Townships of Pilkington, Nichol, Erin, West Garafraxa and Luther, and the Villages of Fergus and Elora ;

The West Riding to consist of the Townships of Arthur, Minto, Maryborough, and Peel, the Town of Palmeston, and the

the Village of Mount Forest, Harriston, Arthur, Clifford, and Drayton.

11. The territory bounded on the south by the middle of the main channel of the river Severn and a line formed by the southerly boundaries of the Townships of Morrison and Ryde, the easterly boundary of Ryde, the southerly boundary of the Township of Oakley, the easterly boundary of Oakley and the southerly boundary of the Township of Ridout; bounded on the east by the Bobcaygeon road, on the north by lake Nipissing and the middle of the main channel of the French River, and on the west by the waters of the Georgian Bay, and including therein the islands in the Georgian Bay lying west of the said territory and adjacent thereto, shall form an electoral division, to be called the Electoral District of Muskoka and Parry Sound, and shall return one member. Muskoka and Parry Sound.

12. The North Riding of the County of Victoria shall include the Provisional County of Haliburton, and the Township of Longford; together with the townships which have heretofore constituted the North Riding of Victoria, except the townships that were taken from Simcoe and are by this Act included in the new Electoral District of Parry Sound and Muskoka; the townships hereafter to constitute the said North Riding of Victoria being as follow: Eldon, Carden, Dalton, Fenelon, Bexley, Laxton, Digby, Longford, Somerville, Lutterworth, Anson, Hindon, Snowdon, Glamorgan, Monmouth, Cardiff, Minden, Dysart, Dudley, Harcourt, Stanhope, Guilford, Harburn, Bruton, Sherborne, Havelock, Eyre, Clyde, McClintock, Livingston, Lawrence and Nightingale, and any Villages lying within the municipal boundaries of these Townships, or any of them. Victoria.

13. The present two ridings of the County of Simcoe are hereby abolished, and the territory hereinafter mentioned, being that portion of the County of Simcoe which remains after constituting the said electoral divisions of Dufferin, Cardwell, Parry Sound and Muskoka shall be divided into three ridings, to be called respectively, the East, the West, and the South Riding of the County of Simcoe, each of which shall return one member; Simcoe.

The East Riding to consist of the Townships of Tiny, Tay, Matchedash, Orillia, Medonte and Oro, and the Town of Orillia;

The West Riding to consist of the Townships of Vespra, Flos, Sunnidale and Nottawasaga, the Towns of Barrie and Collingwood, and the Village of Stayner;

The South Riding to consist of the Townships of Tossoronto, Essa, Innisfil and West Gwillimbury, and the Villages of Bradford and Alliston.

14. The East Riding of the County of Peterborough shall consist of the Townships of Otonabee, Douro, Asphodel, Dum- East Peterborough.  
mer,

mer, Belmont, Methuen, Burleigh, Anstruther and Chandos, and the Village of Ashburnham.

West Peter-  
borough.

**15.** The West Riding of the County of Peterborough shall consist of the Townships of South Monaghan, North Monaghan, Smith, Ennismore, Harvey, Galway and Cavendish, the Town of Peterborough, and the Village of Lakefield.

frew.

**16.** The Townships of Hagarty, Richards, Sherwood, Burns, and Jones, now belonging to the north riding of Renfrew, shall be added to, and included in, the South Riding of the County of Renfrew.

Brockville.

**17.** The Town of Brockville and the Township of Elizabethtown (heretofore constituting the electoral district of the Town of Brockville) shall, with the township called Front of Yonge, and the township called Rear of Yonge and Escott (taken from the south riding of Leeds), constitute the electoral district of Brockville.

Niagara.

**18.** The Electoral District of Niagara is abolished, and the Town and Township of Niagara are added to the Electoral District of the County of Lincoln.

Territory  
added to cer-  
tain constitu-  
encies.

**19.** The East Riding of Northumberland shall include the whole of the Village of Hastings; the West Riding of the County of York shall include the whole of the Village of Richmond Hill; the North Riding of Lanark shall include the whole of the Village called Carleton Place; and the South Riding of Bruce shall include the Village of Lucknow.

Counties or  
Ridings not  
affected by  
this Act for  
registry pur-  
poses.

**20.** The County or Riding of a County in which any municipality was heretofore situate for the purpose of Registry of title to lands shall continue to be the proper County or Riding of County respectively of such municipality for such purpose, notwithstanding any change made by this Act with respect to Electoral Districts.

Electoral divi-  
sions in cities.

**21.** Where any territory belongs, or hereafter is added, for municipal purposes, to a city which is an electoral division, such electoral division shall include the territory so belonging or added for municipal purposes.

Cities divided  
into several  
electoral divi-  
sions.

**22.** In case a city to which territory belongs, or hereafter is added, for municipal purposes, is divided into two or more electoral divisions, the territory so belonging or added to the city for municipal purposes, shall belong to the division to which it is adjacent; or in case a part of such territory is adjacent to one division, and another part to another division, each part shall (having regard to the dividing line between the two divisions and the continuation thereof) belong to the electoral division to which such part is adjacent.



**23.** Where any territory belongs, or hereafter is added, for municipal purposes to any town or village belonging to an electoral division other than that to which such territory previously belonged: or where a town, with additional territory, is erected into a city, or a village with additional territory is erected into a town, the territory so belonging or added for municipal purposes, shall belong to the electoral division of which the town or village forms a part.

Territory added to town or village.

Erection into cities and towns.

**24.** Every town and incorporated village not expressly attached by this or any other Act of the Legislature to an electoral district, is, for electoral purposes, to be taken as part of the county to which such town or village belongs for municipal purposes, and in case the county is divided into ridings, such town or village shall be part of that riding to which it is adjacent, or within which it is situate.

Towns and villages not expressly attached to any electoral division.

**25.** Every town or incorporated village composed of portions of two or more ridings of a county, and not expressly included within some electoral district, shall belong to that riding which, by the census then last taken under the authority of the Government of the Dominion of Canada and published in the *Canada Gazette*, had the smaller population: For the purpose of this section, every electoral division to which any portion of a county is attached, shall be deemed a riding of that county.

Town or village composed of two ridings.

**26.** In case any town or incorporated village situate in part within two or more counties, is attached to a union of counties for municipal purposes, then the provisions of the two next preceding sections of this Act shall be applied as if such union constituted one county, and as if the electoral divisions into which the union is divided were ridings of that county; and in case any town, situate as in either of the said two next preceding sections mentioned, is not attached to any county or union of counties for municipal purposes, the provisions of the said sections and of this section shall apply thereto, except that wherever in the said sections "municipal" occurs, the word "judicial" shall be substituted therefor.

Town or village composed of parts of two counties.

### CAP. III.

An Act to further amend the Laws affecting Elections of Members of the Legislative Assembly, and the Trial of such Elections.

[Assented to 21st December, 1874.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

After petition against return, any one authorized to petition may petition for corrupt acts by candidate not returned.

1. In case a petition is presented against the return of any member, the respondent or any other person now authorized by law to present an election petition, may, within fifteen days after the service of the petition against the return, file a petition complaining of any unlawful and corrupt act by any candidate at the same election who was not returned, whether the seat is or is not claimed by him or on his behalf, and the trial of such petition shall take place at the same time as the trial of the petition against such member or respondent or at such other time as may be appointed.

Duties of Courts and Clerk of Q. B. transferred to Court and Clerk of Error and Appeal.

2. Whereas in consequence of the pressure of other business in the Court of Queen's Bench, it is desirable to relieve that Court of the duties assigned to it by the Controverted Elections Act 1871, and the Election Act of 1873, the duties and powers assigned by the said Acts, to the said Court of Queen's Bench, and to the Clerk of the Crown and Pleas in the said court, shall, with respect to future elections, belong to the Court of Error and Appeal, and to the clerk thereof for the time being; and the practice and proceedings, including the mode of enforcing decisions as to costs and otherwise, shall in all respects be the same as now provided or in force for the said Court of Queen's Bench, and the said Clerk of the Crown and Pleas, until and unless such practice and proceedings are altered by the Court of Error and Appeal, or a majority of its judges, of whom the Chief Justice is to be one. This section is not to be construed as relieving the judges of the Court of Queen's Bench from being appointed or acting as judges on the rota.

Practice as heretofore, till varied.

Appeal; security for costs;

3. In case any party to an election petition under the Controverted Elections Act of 1871, or under the Election Act of 1873, or under this Act, is dissatisfied with the decision of a judge under the said Acts, or any or either of them, on any question of law or of fact, and desires to appeal against the same, he may, within eight days from the day on which the judge has given the decision, deposit with the Clerk of the Court of Error and Appeal the sum of one hundred dollars by way of security for costs; and thereupon the clerk shall set the matter of the said petition down for hearing before the said court of Error and Appeal at an early day to be appointed by the said Court of Error and Appeal, or a judge thereof; and the party so appealing shall thereupon within three days, or such further time as the said Court of Error and Appeal or a judge thereof may upon application allow, give to the other parties affected by the said appeal, or their respective attorneys or agents by whom such parties were represented in the trial of the said petition, notice in writing that the matter of the said petition has been so set down to be heard in appeal as aforesaid; and in and by the same notice the said party so appealing as aforesaid may, if he desire, limit the subject of the said appeal to any special and defined question or questions; and the said appeal shall thereupon be heard and determined

setting down for hearing;

notice of setting down;

hearing,

by

by the said Court of Error and Appeal; and such judgment shall be pronounced, both upon questions of law and of fact, as in the opinion of the said court of Error and Appeal should have been delivered by the judge whose decision is appealed against; and the Court of Error and Appeal may make such order as to the return of the said deposit and as to the costs of the said appeal as the said Court may think just; and the clerk of the said Court of Error and Appeal shall thereupon certify to the Speaker or (if there is no Speaker) to the Clerk of the House the judgment and decision of the said Court upon the several questions and matters of fact, as well as of law, upon which the judge whose decision is appealed against might otherwise have determined or certified in pursuance of any or either of the said Acts, in the same manner as the judge whose decision is appealed against would otherwise have done; and the said judgment or decision shall be final to all intents and purposes.

judgment,

Clerk to certify judgment to the Speaker.

4. The Court of Error and Appeal shall have all the powers and duties as to amendment and otherwise of the court or judge from which the appeal is had, together with full discretionary power to receive further evidence upon questions of fact, such evidence to be either by oral examination in court, by affidavit or by deposition taken before any judge or other person whom the court may direct.

Powers of Court as to amendments and evidence.

5. Instead of certifying as aforesaid, the court, upon such conditions as to costs and otherwise as the court may think fit, may grant a new trial for the purpose of taking evidence, or additional evidence, and may remit the case back to the court or judge who tried the same, or to some other judge upon the record and subject to the directions given by the said Court of Appeal in respect thereof the case shall be thereafter proceeded with in other respects as if there had been no appeal.

New Trial.

6. Before any member elect of the Legislative Assembly is permitted to take the oath as a member, he shall file with the Clerk of the House an affidavit duly sworn before such Clerk, that (except in respect of his personal expenses) he has not made before, or during, or after the election, and will not make, any payment, advance, loan, or deposit for the purposes of the election, otherwise than through his agent or agents duly appointed by him under "The Election Act of 1873;" and such affidavit shall state the name, or names, of the agent, or agents, theretofore appointed; and shall further state that the deponent has not been guilty of any other corrupt practice in respect of the said Election; and may be in the following form or to the like effect:—

Member elect before taking oath as member to file affidavit as to election expenses, &amp;c.

I, \_\_\_\_\_ of the  
 \_\_\_\_\_ in the County of  
 \_\_\_\_\_  
 elected to represent the Electoral Division of the  
 \_\_\_\_\_  
 (as the case may be), in the  
 Legislative Assembly of the Province of Ontario, make oath  
 and say:—That, except in respect of my personal expenses,  
 I



I have not made, before or during or since the election, any payment, advance, loan or deposit for the purposes of the election last held for the said Electoral Division, otherwise than through *A.B.* and *C.D.*, my agents duly appointed under the Election Act of 1873; and that I will not hereafter make any payment, loan or deposit in respect of the said election, except through an agent or agents appointed under the said Election Act. I further say, that I have not been guilty of any other corrupt practice in respect of the said Election.

Sworn before me, this

day of

A.D. 18

*Clerk of the Legislative Assembly  
of the Province of Ontario.*

Assessment  
and Roll for  
1874, voters'  
lists and rates,  
&c., declared  
valid.

7. Every Assessment and Assessment Roll of the several municipalities of Ontario for the year one thousand eight hundred and seventy-four, and the rates levied thereunder, every voters' list prepared from such rolls, and all proceedings had in respect of the said matters, or any or either of them, shall be adjudged valid for all purposes, notwithstanding that the provisions of "the Assessment Act of 1869," or any of them were observed, instead of those of the Act intituled "An Act to amend the Assessment law" (1874), and notwithstanding the failure to observe and carry out the provisions of the last said mentioned Act or any of them;

Proviso as to  
assessments  
appealed from.

(1.) Provided always, that any person who lodged an appeal either to a Court of Revision or to the County Judge complaining that the assessment of such person was too high, or that he was improperly assessed, and whose appeal has in consequence of a mistake in the time of holding such Court of Revision, not been heard and determined on the merits may, in case he has paid the amount of such assessment, upon proof that such assessment is excessive or erroneous, recover back from the municipality the amount of the excess or error, by action in the Division Court within the limits of which the municipality lies wholly or in part, and such Division Court shall have cognizance of the matter and hear and determine the same, notwithstanding the amount claimed may exceed one hundred dollars;

(2.) That no such suit shall be brought till after the expiration of one month after written notice demanding payment of the amount claimed has been served upon the municipality, and every such suit must be commenced within six months after the passing of this Act, and not after;

(3.) That in case of an order being made by the Division Court for repayment by a municipality and payment to the plaintiff in pursuance thereof, the clerk of such municipality shall certify the facts to the clerk of the county municipality, in case a county rate has been levied, and the county shall thereupon refund to the municipality the amount which the plaintiff in the action in the Division Court has shown himself to have been over assessed or improperly assessed for county rate, on the footing of the erroneous assessment.



8. Every voters' list which may be prepared from such Assessment Rolls, and which, before the Returning Officer receives the Writ of Election, is certified by the Judge or Acting Judge of the County Court under the provisions of the seventh or ninth sections of the Act of 1874, intitled, "An Act respecting Voters' Lists," as the revised list, or as the revised and corrected list, of voters for a municipality, shall be deemed valid for the purposes of the next general election for members to serve in the Legislative Assembly, and for every subsequent election of a member to serve in the Legislative Assembly, though such list may not be filed with the Clerk of the Peace for the time heretofore required, or though there was any irregularity in the previous proceedings.

Voters' lists from rolls of 1874, which before receipt of writ of election are certified by the judge, to be valid though not filed in time with clerk of peace.

9. In case a list is certified by a judge for any municipality before the Writ of Election is received by the Returning Officer, but is not filed with the Clerk of the Peace, the Returning Officer shall forthwith cause to be prepared from the original revised list retained by the judge, or from the duplicate in the custody of the Clerk of the Municipality, proper lists of voters for the Deputy Returning Officers: The judge or the clerk upon being requested so to do, shall forthwith deliver to the Returning Officer, or to any person authorized by him in writing to receive the same, the original or duplicate list in the possession of the judge or clerk, or a certified copy thereof: Any clerk failing to deliver to the Returning Officer or to a person authorized as aforesaid, the duplicate list in the possession of the said clerk, or a certified copy thereof, immediately upon being requested so to do, shall be subject to a penalty of five hundred dollars: In case the Returning Officer receives the original, or a duplicate copy thereof, he shall immediately after he has prepared lists for the Deputy Returning Officer, return the original or duplicate to the person from whom he received the same.

The case of voters' list certified by the judge, but not filed with the clerk of the peace provided for.

10. In case no list of voters has been certified by the Judge or acting Judge under the said Act respecting voters' lists, the list to be used at an election to the Legislative Assembly, shall be the last list of voters certified and delivered to the Clerk of the Peace under the Election Law of 1868.

The case of no voters' list being certified by the judge.

11. In case a municipal council has by by-law divided the municipality into polling sub-divisions, and the time for appealing from the by-law has expired, and no lists of voters for such sub-divisions have been filed with the Clerk of the Peace as required by the Election Law of 1868, but a list of the voters of the municipality or of the several wards therein has been duly certified by the judge, the said list shall be the proper list of voters for the election; and the returning officer shall cause the names on the said voters' list to be divided into separate lists for the deputy returning officers in accordance with the polling sub-divisions provided for by the by-law.

The case of time for appealing from by-law for dividing in polling sub-divisions having expired, and no voters' lists filed &c.

*This Sec  
repealed  
by 39 Vict.  
c. 11. § 24.*

Clerks of the Peace of municipalities to furnish copies of last revised voters list.

**12** The Clerk of the Peace and the Clerk of any municipality, having the custody of the list of voters of any municipality or part of any municipality or place, shall furnish a certified copy of such list then last revised and corrected to any person who shall require such copy on being paid for the same by such person at the rate of six cents for every ten voters whose names are on such list: The said officers may furnish printed copies, and the officer shall verify any alterations made therein, by writing his initials in close proximity thereto; if the alterations or interlineations exceed ten, it shall be the duty of the said officers to furnish written copies.

Remuneration to returning officer for dividing into polling sub-divisions.

**13.** In case it is necessary for any returning officer to divide any municipality or any part thereof into polling sub-divisions, he shall be paid by the treasurer of the municipality a reasonable allowance therefor.

Nomination need not be in the open air, nor in cities, towns or villages, polling places need not be 100 yards distant.

**14.** So much of section twenty-three of "The Election Law of 1868," as requires that the nomination shall be held in the open air, and also so much of section twenty-eight of the said Act as requires that polling places in cities, towns, and incorporated villages shall be more than one hundred yards distant from each other, is hereby repealed.

Voters may be required to make oath as voter, and enfranchised Indians may vote.

**15.** Whereas doubts have been raised whether the provisions of law respecting the revision of voters' list dispense with the obligation of any person offering to vote at any election, to take the oath prescribed by section forty-one of The Election Law of 1868, and respecting the right of enfranchised Indians to vote, it is hereby declared that every such person shall, if required by any candidate, or the agent of any candidate, or by the Deputy Returning Officer himself, take the oath or affirmation prescribed by the said section, as amended by section six of "the Election Act of 1873," or such other similar oath or affirmation as may be required by law, and that every Indian duly enfranchised, and who is otherwise qualified, is entitled to vote, subject to the same provisions and restrictions as other persons in the Electoral Division.

The case of new territory added to city, town or village, or a new city, town or village erected with added territory, and no voters' lists including such new territory.

**16.** Where any territory is added for municipal purposes to any city, town, or village belonging to, or constituting an electoral division other than that to which such territory previously belonged, or when a town with additional territory is erected into a city, or a village with additional territory is erected into a town, or in case a village is formed including territory which belonged to an electoral district other than that to which the village belongs, and an election takes place previous to voters' lists, including the names of persons entitled to vote in such territory, being made out for the city, town, or village, or before such lists are certified by the County Judge, then all persons who would have been qualified as electors if such territory remained separate from the city, town, or village and if the election

election had been for the electoral division to which such territory formerly belonged, shall be entitled to vote in the city, town or village.

**17.** In all such cases (or in case a voters' list embraces territory comprising portions of two or more electoral districts) the returning officer shall extract from the last filed, or certified voters' list of the municipality or municipalities to which such territory formerly belonged containing the names of voters entitled to vote in respect of such territory, the names of the several voters in such lists entitled to vote in such territory, and shall place such names in supplementary lists to be signed by the Returning Officer, and to be delivered by him to the proper Deputy-Returning Officers, for the purpose of enabling the persons named in such lists to vote at the said Election: Every person voting in respect of a supplementary voters' list shall, if required, take the oath or affirmation in form "A" to this Act annexed in lieu of the oath in form "O" prescribed by the forty-first section of the Election Law of 1868: Municipal electors, similarly qualified in respect of such territory, shall also be entitled to vote at a municipal election occurring after the addition, and like proceedings, as near as may be, shall be taken in that behalf.

Duty of returning officer in above cases of added territory as to voter lists

voters oath ;

municipal elections.

**18.** No election shall be held invalid by reason of a failure to hold a poll at any place appointed for holding a poll if it appear to the tribunal having cognizance of the question that such failure did not affect the result of the election.

Election not to be void from failure to hold poll at place appointed, if the result not affected.

**19.** Any candidate nominated may withdraw at any time after his nomination and before the opening of the poll, by filing with the Returning Officer a declaration in writing to that effect, signed by himself, and any votes cast for the candidate who shall have so withdrawn shall be null and void; and in case after the withdrawal there should remain but one candidate, then it shall be the duty of the Returning Officer to return as duly elected the candidate so remaining, without waiting for the day fixed for holding the poll, or for the closing of the poll, if such withdrawal be filed on the polling day.

Withdrawal of candidates.

**20.** In the District of Algoma, at any election for a member to serve in the Legislative Assembly, polls shall be opened and held at the following places in the said district, namely:—Kilmarney, Spanish River, Algoma Mills, Little Current, Bruce Mines, Sault Ste. Marie, Prince Arthur's Landing, Fort William, Manitoulin Island, Silver Islet, and in such additional places, if any, as the Lieutenant-Governor in Council may from time to time direct: The returning officer shall establish as many polling places at the places before mentioned as he may consider requisite.

Polls and polling places in Algoma.

**21.** In the said district, there shall be at least fifteen, and not more than thirty days, between the day that the proclamation

In Algoma, the periods fixed between



days of proclamation and nomination, and for holding polls, and return day of writ.

tion for the election is posted up, and the day of nomination, and the day for holding the polls shall be on the twenty-first day after the day of nomination: No nomination or poll shall be held in the District of Algoma, except during the months of June, July, August, September or October; and the return day of the writ shall be fixed so as to admit of the provisions of this section being observed.

Provisions for municipalities in districts wherein an assessment roll but no voters' list filed or certified.

**22.** In any Municipality or Township in the Electoral Divisions of North Victoria, East Peterborough, North Hastings, North Renfrew, South Renfrew, and Muskoka and Parry Sound where there is an assessment roll, but for which no voters' lists containing the names of the voters in such Municipality or Township have been filed with the Clerk of the Peace, or certified by the County Judge, the Returning Officer shall, upon receipt of the writ, procure from the Clerk of the Municipality an alphabetical list or lists of all persons entitled to vote in such Municipality or Township, or in the polling sub-divisions thereof (if the Municipality or Township is divided into polling sub-divisions); and the Clerk shall forthwith, upon being requested so to do, furnish the Returning Officer with such list or lists, having first certified to the correctness thereof before a Justice of the Peace; and every list of voters so prepared, or a similar list otherwise procured by the Returning Officer, at the expense of the Clerk, in case of the failure of the Clerk to furnish the same within a reasonable time, shall be the voters' list to be used at the election for such Municipality or Township or polling sub-division, and in every Municipality or Township in the said districts in which there is an assessment roll, it shall be necessary that the name of the elector shall appear upon the list of voters prepared under this Act, or under the Voters' Lists Act of 1874, and in such case the same provisions as to qualification of voters and other matters shall apply as in other electoral districts, and the oath or affirmation to be required of voters shall be the same.

Qualification for voter in above places, and Algoma,

and voters' oath.

**23.** In such Municipalities, Townships, and places in the electoral divisions mentioned in the preceding section as have no assessment roll, and in all parts of the electoral district of Algoma, the persons entitled to vote at elections for Members of the Legislative Assembly, shall be every male person of the full age of twenty-one years, being a subject of Her Majesty by birth or naturalization, and not otherwise disqualified, who is at the time of the election actually and *bona fide* the owner of real estate in the electoral district for which he claims to vote, of the value of two hundred dollars or upwards, or who is at the time of the election a resident householder of such place, and having been such owner or householder for the six months next preceding the election; and such voter in such district or place may be required to take the oath in form "B" to this Act annexed in lieu of that in form "O" prescribed by the said forty-first section of "The Election Law of 1868."

**24.** In the said District and in any such place, the elector claiming to be entitled to vote shall declare his name, place of residence and occupation or calling, and also the property in respect of which such person claims to be entitled to vote, and whether he so claims as owner, tenant, or occupant of such property; and the Deputy Returning Officer shall cause the said particulars to be entered upon a list in the same manner as is prescribed in the fourteenth section of "the Ballot Act of 1874," with reference to the tendered voters' list, and the list herein provided for shall be dealt with in the same manner as the tendered voters' list is directed to be dealt with by the said Act.

In above district and places, elector to make certain declaration.

Deputy Returning Officer to enter the particulars thereof.

**25.** The Lieutenant-Governor may cause the writs for the Electoral Divisions of the District of Algoma, and of Muskoka and Parry Sound, respectively, to be directed to the Sheriff of Algoma, or the Registrar of Muskoka, or of Parry Sound, or to such other Returning Officer as he thinks fit, and may direct the payment to the said Returning Officers out of the Consolidated Revenue Fund of such sums (over and above the allowance authorized by "the Election Law of 1868,") as may be required to pay the expenses reasonably incurred by the Returning Officers, and by the other officers and clerks in conducting the Election, and reasonable fees and allowances for any extraordinary services rendered by them thereat.

Writs for Divisions of Algoma, Muskoka and Parry Sound may be directed to Sheriff of Algoma or others—payment to returning officers, &c.

**26.** In cities, unless the Municipal Council shall provide suitable polling places at their own expense, the Returning Officers shall provide the same; and the expense thereof, not exceeding eight dollars for each polling place, shall be paid by the Treasurer of the city, upon the order of the Returning Officer.

In cities, unless the Council provide proper polling places, the returning officer shall.

**27.** Every Deputy Returning Officer and poll clerk, who is otherwise qualified to vote at an election for a member to serve in the Legislative Assembly, shall be hereafter entitled to vote at such election; and so much of section three of the Election Law of 1868 as prohibits the said officers from voting is hereby repealed.

Votes of Deputy Returning Officer and Poll Clerk

**28.** The Returning Officer on the request of any elector entitled to vote at one of the polling stations who shall be appointed Deputy Returning Officer or poll clerk, or who shall be named the agent of any of the candidates for a polling station other than the one where he is entitled to vote, shall give to such elector a certificate that such Deputy Returning Officer, poll clerk or agent is entitled to vote at such election at the polling station where such election shall be stationed during the polling day, and such certificate shall also state the property or other qualification in respect to which he is entitled to vote, and on the production of such certificate such Deputy Returning Officer, poll clerk, or agent shall have the right to vote at the polling station where he shall be placed during the polling day instead of at the polling station of the polling sub-division

Deputy-Returning officers and agents may vote at polling place where they are employed.

sion where he would otherwise have been entitled to vote, and the Deputy Returning Officer shall attach the certificate to the voters list ; but no such certificate shall entitle any such elector to vote at such polling station unless he has been actually engaged as such Deputy Returning Officer, polling clerk, or agent during the day of polling, or shall entitle any agent to vote who is disqualified under section three of the Election Law of 1868.

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## SCHEDULE.

### FORM A, REFERRED TO IN THE SEVENTEENTH SECTION OF THIS ACT.

*To be taken when additions have been made to a city, town or village, or a new village has been formed composed of territory situate in two or more Electoral Districts.*

You swear (or solemnly affirm), that you are the person named (or purporting to be named by the name of ) on the supplementary list of voters now shown unto you (*showing the list to the voter*), that at the time of the last final revision and correction of the Assessment roll on which this list is based for the township of (*as the case may be*) you were ( *and if the fact be so still are*), actually, truly, and in good faith possessed to your own use and benefit as owner, or tenant, or occupant (*as the case may be*) of the real estate in respect of which your name (or the said name of ) is entered on the said supplementary list of voters, (*or if the party has parted with such possession, then insert these words "that you are now a resident of this Electoral Division,"*) and as such entitled to vote at this election ; that you are a subject of Her Majesty by birth or naturalization ; that you are of the full age of twenty-one years ; that you have not voted before at this election, either at this or any other polling place ; and that you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ; and that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or to refrain from voting at this election. So help you God.

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### FORM B REFERRED TO IN THE TWENTY-THIRD SECTION OF THIS ACT.

*To be taken by voter in certain places where there are no voters lists, and also in Algoma.*

You swear (or solemnly affirm) that you are (*name of voter*) ; that you are actually, truly and in good faith possessed to your own



own use and benefit as owner of real estate in this Electoral District of the value of two hundred dollars or upwards (*or that you are actually truly and in good faith a resident householder in this Electoral District*); that you have been such owner (*or resident householder, as the case may be*), for the six months next preceding this Election, and are entitled to vote at this Election; that you are a subject of Her Majesty by birth or naturalization; that you are of the full age of twenty-one years; that you have not voted before at this Election, either at this or any other Polling place; and that you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this Election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith; and that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or to refrain from voting at this Election. So help you God.

#### CAP. IV.

### An Act respecting the Operation of Statutes of Ontario.

[Assented to 21st December, 1874.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The repeal of any Act or part of an Act shall not revive any Act or provision of law repealed by such Act or part of an Act, or prevent the effect of any saving clause therein.

Repeal of an Act not to revive an Act by it repealed.

2. The preceding section of this Act shall apply to every Act heretofore passed or which may be passed at the present or any future Session of the Legislature of Ontario.

Prior section to apply to past and future Acts.

3. Where a penalty or punishment is imposed under the authority of any Statute of the Province of Ontario, or of any other statute or law being in force in Ontario, and being in respect of any matter within the legislative authority of the Legislature of the said Province, and is recoverable before, or may be inflicted by, a justice, or justices of the peace, or a police or stipendiary magistrate, the like proceedings, and no other, shall and may be had for the recovery of the penalty, and the infliction of the punishment, and otherwise in respect thereof; and the convicting justice, justices or police or stipendiary magistrate shall perform the like duties in respect thereto, and in respect of any conviction or order made by him or them by virtue of such Statute, as under the Statutes of the Dominion

Penalties and punishments imposed by Justices &c., how may be enforced.

Proviso.

nion then in force, might be had and should be performed, if such penalty or punishment had been imposed by a Statute of Canada, unless in any Act hereafter passed imposing such penalty or punishment, it be otherwise declared; Provided that nothing in this section contained shall confer upon any person, who considers himself aggrieved by a conviction or order made by any justice, justices or magistrate, the right of appealing to the General Sessions of the Peace, or shall affect procedure on appeals.

Recognizances and convictions from G. S. to be transmitted to Clerk of the Peace.

4. The Clerk of the Peace for the county shall be the public officer to whom shall be transmitted convictions to be filed, and recognizances in respect of which proceedings require to be taken at the General Sessions of the Peace.

Appeal from convictions etc., of justices, etc., to the General Sessions.

5. Where a conviction or order is made by a justice or justices of the peace, or by a police or stipendiary magistrate under the authority of any statute being in force in Ontario, and in respect to matters within the legislative authority of the Province of Ontario, unless it be otherwise provided by the particular Act under which the conviction or order is made, any party who considers himself aggrieved by the conviction or order may appeal therefrom to the General Sessions of the Peace.

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Practice and proceedings on appeal to General Sessions,

6. In case an appeal lie to the Court of General Sessions of the Peace from a conviction or order, made as aforesaid under the authority of a Statute or law having force in the Province of Ontario, but not enacted by the Legislature of the said Province, the practice and proceedings on the appeal and preliminary thereto and otherwise in respect thereof, shall be the same as the practice and proceedings under the Statutes of the Dominion then in force, on an appeal to the General Sessions of the Peace from a conviction before a justice of the peace, made under the authority of a Statute of Canada.

evidence on appeal.

7. In case an appeal lie to the General Sessions of the Peace from a conviction or order made as aforesaid under the authority of a Statute of the Legislature of the Province of Ontario, the practice and proceedings on the appeal and preliminary thereto and otherwise in respect thereof, shall be the same as provided in the next preceding section, except that either of the parties to the appeal may call witnesses and adduce evidence in addition to the witnesses called and evidence adduced at the original hearing.

Decision of chairman final as to class of cases to which appeal belongs.

8. If, upon the trial of an appeal, any question arise respecting the class of cases to which under this Act the appeal belongs, the decision of the Chairman of the Sessions of the Peace in respect thereof, shall be final and conclusive.

Abandonment of appeal; costs.

9. Any appellant may abandon his appeal by giving the opposite party notice of his intention in writing six days before the

the



the Sessions appealed to; and thereupon the convicting justice, justices or magistrate may tax the additional costs, if any, of the respondent, and add the same to the original costs, and proceed on the original conviction or order in the same manner as if there had been no appeal thereon.

10. If the Parliament of Canada amend any Statute, the operation whereof is extended by virtue of this Act, no such amendments shall have any force in Ontario, by virtue of this Act, until after the termination of the Session of the Legislature of Ontario held next after the amending Statute was passed.

When amendments of Dominion Acts shall take effect under this Act.

11. Nothing in this Act contained shall affect the provisions of an Act passed in the thirty-sixth year of the reign of Her Majesty intituled "An Act to amend the Law of Evidence," or of an Act passed in the thirty-seventh year of Her Majesty's reign intituled "An Act to provide for the better government of that part of Ontario situated in the vicinity of the Falls of Niagara," or of the seventieth section of the Administration of Justice Act of 1874, or shall affect any enactment respecting the application of any penalty or respecting the return or publication of convictions made by justices of the peace.

Certain Acts not affected by this Act.

12. The following Acts are hereby repealed so far as they relate to Ontario:—chapter one hundred and three of the Consolidated Statutes of Canada intituled "An Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions;" chapter one hundred and fourteen of the Consolidated Statutes for Upper Canada intituled "An Act respecting Appeals in cases of summary convictions;" chapter fifty of the Acts passed by the Legislature of the late Province of Canada in the session held in the twenty-ninth and thirtieth years of Her Majesty's reign intituled "An Act to amend the law respecting Appeals in cases of summary convictions and returns thereof by Justices of the Peace;" Provided that matters pending when this section goes into effect may be proceeded with as if the said Acts had not been repealed.

Con. Stat. Can. ch. 103; Con. Stat. U. C. 114; 29 and 30 V., c. 50, repealed

Proviso saving matters pending.

## CAP. V.

An Act respecting the Boundary between the Provinces of Ontario and Quebec.

[Assented to 21st December, 1874.]

WHEREAS, it was by Royal Proclamation, dated the eighteenth day of June, in the year one thousand seven hundred and ninety-one, declared that the then Province of

Preamble.

Quebec

Quebec should be divided into two distinct Provinces to be called the Province of Upper Canada, and the Province of Lower Canada, by separating the said two Provinces according to the following Line of Division, viz : " To commence at a stone boundary on the North Bank of the Lake St. Francis at the cove west of Pointe au Bodet in the limit between the Township of Lancaster and the Seigneurie of New Longueuil, running along the said limit in the direction of north thirty-four degrees west to the westernmost angle of the said Seigneurie of New Longueuil, thence along the North-Western Boundary of the Seigneurie of Vaudreuil, running north twenty-five degrees east until it strikes the Ottawa River, to ascend the said river into the Lake Temiscamingue, and from the head of the said lake by a line drawn due north until it strikes the Boundary Line of Hudson's Bay, including all the territory to the westward and southward of the said line, to the utmost extent of the country commonly called or known by the name of Canada ;" And whereas the point to be regarded as the head of Lake Temiscamingue had never been authoritatively determined, and in consequence that portion of the boundary line between the Provinces of Upper and Lower Canada, now respectively named the Provinces of Ontario and Quebec, north of the said lake, had never been defined ; And whereas it was considered expedient by the Governments of the said Provinces of Ontario and Quebec, that the said undetermined portion of the said boundary line between the said Provinces should no longer continue uncertain, and it was, subject to ratification by the Legislatures of the said Provinces, and by the Parliament of Canada, agreed between the Governments of the said Provinces that the point at the head of Lake Temiscamingue, from which the said boundary line shall run due north, should be determined in the following manner that is to say :

(1.) That a line should be surveyed running due east from a monument planted on the east bank of the River Blanche the position of which monument is upon a map showing the proposed boundary, a duplicate whereof, signed by the Honourable Richard William Scott, formerly Commissioner of Crown Lands of the Province of Ontario, and the Honourable Pierre Fortin, formerly Commissioner of Crown Lands of the Province of Quebec, is filed in the Department of Crown Lands of the Province of Ontario shown and marked with the letter H, and that the said due east line should be continued to the west bank of the River Quinze ;

(2.) That the said line so surveyed should be divided into two equal parts and that at the point of bisection a permanent monument should be planted ;

(3.) That from the said point of bisection a line should be run due south through the main land and through the island marked upon the said map as Island No. 2, until the said line intersects the southern boundary of the said island at the water's edge, and that the said point of intersection of the said line with the southerly

southerly boundary of the said island No. 2, at the water's edge, should be the point at the head of Lake Temiscamingue from which the boundary line between the said Provinces of Ontario and Quebec should be run due north; And whereas the Governments of the said Provinces of Ontario and Quebec have caused the said lines to be surveyed, and the said point determined upon the ground, and have also caused to be made a survey from a point on the middle of the Ottawa River, opposite the mouth of the Mattawan River, up the waters of the Ottawa River, into Lake Temiscamingue, and through the said Lake to the said point determined in manner aforesaid at the head of Lake Temiscamingue, and thence due north as far as it is deemed necessary to survey at the present time the said line northerly; And whereas it is intended that a line indicating the boundary between the Provinces so ascertained as aforesaid, shall be marked and laid down upon a map made in duplicate to be signed by the Commissioner of Crown Lands for the Province of Ontario, and the Commissioner of Crown Lands for the Province of Quebec; And whereas by chapter twenty-eight of the Acts of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the session held in the thirty-fourth and thirty-fifth years of Her Majesty's reign, and intituled "An Act respecting the establishment of Provinces in the Dominion of Canada," it is enacted "that the Parliament of Canada may, from time to time, with the consent of the Legislature of any Province of the said Dominion, increase, diminish, or otherwise alter the limits of such Province, upon such terms and conditions as may be agreed to by the said Legislature, and may, with the like consent, make provision respecting the effect and operation of any such increase or diminution, or alteration of territory in relation to any Province affected thereby;" And whereas it is expedient that the said line so surveyed and laid down should be established as the boundary line between this Province and the Province of Quebec:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In case the Legislature of the Province of Quebec also consent thereto, the Legislature of the Province of Ontario hereby consent that the Parliament of the Dominion of Canada do declare and establish the line to be marked, and laid down in manner aforesaid, and the continuation of the said line due north to the northerly limit of the said Provinces, as the boundary line between this Province and the Province of Quebec, whether the same increases, diminishes or otherwise alters the limits of this Province.

Parliament of the Dominion of Canada, to establish the line between Ontario and Quebec.



## CAP. VI.

## An Act respecting the Northerly and Westerly Boundaries of the Province of Ontario.

[Assented to 21st December, 1874.]

## Preamble.

WHEREAS by chapter twenty-eight of the Acts of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the session held in the thirty-fourth and thirty-fifth year of Her Majesty's Reign, and intituled "An Act respecting the establishment of Provinces in the Dominion of Canada," it is enacted "that the Parliament of Canada may, from time to time, with the consent of the Legislature of any Province of the said Dominion, increase, diminish, or otherwise alter the limits of such Province, upon such terms and conditions as may be agreed to by the said Legislature, and may, with the like consent, make provision respecting the effect and operation of any such increase or diminution, or alteration of territory in relation to any Province affected thereby;" And whereas the northerly and westerly boundaries of the Province of Ontario have never been determined; And whereas, subject to the approval of the Parliament of Canada and the Legislature of Ontario, it has been agreed by the Governments of the Dominion of Canada and the Province of Ontario that the questions which have arisen concerning the said boundaries should be determined by reference to arbitration; And whereas the Governor-General of Canada in Council has, subject as aforesaid, named the Honourable Lemuel Allan Wilmot, formerly Lieutenant-Governor of the Province of New Brunswick, and the Lieutenant-Governor in Council of the Province of Ontario has, subject as aforesaid, named the Honourable William Buell Richards, Chief Justice of Ontario, as arbitrators in respect of the said matters, and the two Governments have also agreed, that the said Honourable Lemuel Allan Wilmot and the Honourable William Buell Richards shall choose a third person, not being a resident of Canada, to act in conjunction with them upon the said arbitration, and that the determination of a majority of the said arbitrators shall be final and conclusive as to the limits to be taken as and for such boundaries as aforesaid respectively:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Parliament of  
Canada may  
declare the  
boundaries  
which the  
arbitrators  
award the

1. The Legislature of the Province of Ontario consents that the Parliament of Canada may declare that the boundaries which by the award of the arbitrators aforesaid, or of any two of the arbitrators aforesaid, may be decided to be the northerly and westerly boundaries respectively of this Province, shall be declared

declared to be the northerly and westerly boundaries thereof; boundaries of this Province.  
 or in case the award shall be as to the westerly boundary alone, the same may be in like manner declared by the Parliament of Canada as aforesaid, and that the Parliament of Canada may thereby increase, diminish, or otherwise alter the northerly and westerly limits of the Province of Ontario, so that the same may be in accordance with the award.

2. In case the arbitrator appointed by the Lieutenant-Governor should die or resign, or become incapable of exercising his said office, the Lieutenant-Governor in Council may appoint another in his place, and in case either of the said other arbitrators should die or resign, or become incapable as aforesaid, the Lieutenant Governor in Council may concur in any appointment which may be made in his place. Appointment of new arbitrator in case of vacancy.

3. This Act shall not go into effect until the Lieutenant-Governor in Council shall issue his proclamation in that behalf. When this Act to take effect.

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## CAP. VII.

An Act respecting the Judicial Officers to whom Estate Bills may be referred.

[Assented to 21st December, 1874.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The Lieutenant-Governor in Council may, from time to time, issue commissions to the Judges of the Courts of Error and Appeal, Queen's Bench, Chancery and Common Pleas, empowering them, or any two of them, to report under the rules and orders of the Legislative Assembly, to the Assembly, in respect of any estate bills, or petitions for estate bills, which may be submitted to the Assembly. Lt.-Governor may issue Commissions to Judges to report on estate bills.

2. The Act passed in the thirty-fourth year of Her Majesty's 34 V., c. 7 reign, intituled "An Act to provide for the appointment of Judicial Officers to whom estate bills may be referred," is hereby repealed. repealed.

## CAP. VIII.

## An Act respecting Marriages, and Licenses and Certificates to Marry.

[Assented to 21st December, 1874.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Licenses  
signed by official persons  
valid notwithstanding their  
offices vacated.

1. Every license executed under the hand and seal of the Lieutenant-Governor, and every certificate signed by the Provincial Secretary, or Assistant Provincial Secretary, for the purpose of solemnizing a marriage, shall be and remain valid, notwithstanding that the Lieutenant-Governor or Provincial Secretary, or Assistant Provincial Secretary has ceased to hold office before the time of the issue of the license or certificate.

Unauthorized  
persons issuing licenses  
are subject to a fine.

2. If any person shall issue any license or certificate for the solemnization of marriage without being authorized by the Lieutenant-Governor in Council in that behalf, unless under the authority in the next section contained, he shall forfeit to Her Majesty the sum of one hundred dollars for every license or certificate so issued.

Deputy issuers  
may be appointed.

3. Any issuer of marriage licenses or certificates may, with the approval, in writing, of the mayor or reeve of the city, town, township or incorporated village wherein he resides, from time to time, when prevented from acting by illness or unavoidable accident, or where his temporary absence is contemplated, appoint, by writing under his hand, a deputy to act for him, and the said deputy shall, while so acting at the residence or office or place of business of the said issuer for whom the deputy acts, possess the powers and privileges (as to administering necessary oaths and otherwise) of the issuer appointing him: The issuer shall, upon appointing a deputy, forthwith transmit to the Provincial Secretary a notice of the appointment, and of the cause thereof, and of the name and official position of the person by whom the appointment has been approved, and the Lieutenant-Governor may at any time annul the appointment.

How deputies  
to sign  
licenses.

4. Every deputy so appointed shall sign each license and certificate issued by him, with the name of his principal as well as his own name, in the following manner—"A. B., Issuer of Marriage Licenses, per C. D., Deputy Issuer," or to the like effect; but no irregularity in the issue of a license or certificate issued by an issuer or deputy issuer to any person or persons obtaining the same, or acting thereon in good faith, shall invalidate a marriage solemnized in pursuance thereof.

5. Every issuer of licenses or certificates aforesaid, or any other person having unissued licenses or certificates in his possession, power, custody or control, shall whenever required so to do, transmit to the Provincial Secretary every such license or certificate; and the property in all unissued licenses and certificates shall be and remain in Her Majesty.

Unissued  
Licenses to be  
returned when  
required.

6. All marriages which have before the passing of this Act been celebrated within the Province of Ontario by any person legally authorized to marry, between persons not under any legal disqualification for entering into the contract of matrimony, are hereby declared to have been and to be lawful and valid so far as respects the civil rights, in this Province, of the parties or their issue, and so far as respects all matters within the jurisdiction of the Ontario Legislature, notwithstanding that the banns were not published at the place or time, or in the manner required by law, or that there was any other defect in the publication of the banns, or that no banns were published; or notwithstanding that there was any defect in the marriage license or certificate, or in the affidavit on which the same was issued, or that the same was issued without any affidavit, or that the marriage was celebrated without a license or certificate; provided that the parties thereafter lived together, and cohabited as husband and wife, and that the validity of the marriage has not hitherto been questioned in any suit at law or in equity; and provided further, that nothing in this Act contained shall extend or be construed to extend to make valid any marriage illegally solemnized where the parties to such illegal marriage or either of them has since contracted matrimony according to law.

Past marriages  
valid in cer-  
tain cases.

## CAP. IX.

### An Act respecting Terms in the Courts of Queen's Bench and Common Pleas.

[Assented to 21st December, 1874.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In case it appears to the Judges of the Courts of Queen's Bench and Common Pleas or to any four of them, of whom the chief Justices shall be two, that the number of days which are now provided for holding Easter or Michaelmas Term, or which under the authority hereinafter conferred may be provided for holding Hilary or Trinity Term, is not required for the due despatch of the business to be transacted in such Term:

Judges may  
shorten or  
lengthen  
terms.



Term, such Judges may from time to time by rule or order shorten the period for holding the Term, to such period, not less than two weeks, as they may consider sufficient for the purpose aforesaid, and may also in like manner from time to time increase the length of the same or any Term to any period not exceeding three weeks.

Trinity term. 2. Neither of the said Courts shall transact in Trinity Term any business before the full Court, except in regard to matters arising subsequently to the Easter Term of the same year, and to any other matters which, under general rules or otherwise, such Court shall from time to time think fit to transact in said Trinity Term.

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## CAP. X.

An Act to amend section thirteen of the "Administration of Justice Act, 1874."

[Assented to 21st December, 1874.]

**H**ER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

37 V., c. 4, s.  
13 amended  
as to judges in  
Error and  
Appeal in cer-  
tain cases.

1. Section number thirteen of "The Administration of Justice Act, 1874," is hereby amended by adding to the end thereof the following words: "And any judge who was a member of the Court of Error and Appeal at the time of the hearing of any such case so standing for judgment, and who was one of the judges before whom any such case was heard, shall be a member of the court for the disposal of any such case as aforesaid, notwithstanding he may, subsequently to the hearing of such case, have ceased to be a judge of every or either of the courts of Queen's Bench, Chancery and Common Pleas.

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## CAP. XI.

An Act respecting procedure on Appeals to the Judge of a County Court from Summary Convictions.

[Assented to 21st December, 1874.]

**H**ER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:



1. Wherever by any Statute heretofore passed, or by any Act of this Session, whether any special provision is made in that behalf or not, and also wherever any such appeal is given by any Act hereafter to be passed, and no special provision is made therefor, an appeal is given to the Judge of the County Court without a jury, from a summary conviction had or made before a justice of the peace, such appeal shall be to the Judge of the County Court of the county in which the conviction is made, sitting in chambers; and the proceedings thereon shall be as hereinafter provided.

Appeal to be to the judge of the county wherein conviction made.

2. Firstly: If the appeal is against any conviction whereby only a money penalty is imposed, then, in case the person convicted deposits with the convicting justice the amount of the penalty and the costs and a further sum of ten dollars, or with two sufficient sureties, enters into a recognizance before a Justice of the Peace (Form A), in a sum double the amount of the penalty and the costs conditioned duly to prosecute the appeal, and to abide by and perform the order of the judge thereupon, and to pay such costs as he shall order;

First; appeal from conviction imposing money penalty, and security given by appellants

Secondly: If the appeal is against a conviction whereby imprisonment is imposed, then, in case the person convicted, with two sufficient sureties, enters into a recognizance before a justice of the peace (Form B) in double the amount of any penalty and costs which he has been ordered to pay, and such additional sum, not less than one hundred nor more than two hundred dollars, as the convicting justice directs, conditioned as aforesaid and also containing the further condition that the person convicted will surrender himself if the conviction is affirmed;

Second; appeal when imprisonment imposed, and security given by appellants.

Thirdly: If the person convicted is in custody for non-payment of the fine or costs, or in consequence of imprisonment being imposed, as aforesaid, and fails to make the required deposit, or to enter into a recognizance, as hereinbefore provided, but deposits with the said justice the sum of ten dollars: In any of the said cases, the said justice shall, at the request of the person convicted, made within five days after the date of the conviction, forthwith transmit to the clerk of the county court, by registered letter post-paid, all the proceedings and evidence.

Third; appeal when in custody and security given by appellants.

In above cases the justice to transmit proceedings, &c.

3. In any of the cases of the class firstly or secondly above-mentioned, the convicting justice, upon the recognizance being given or the deposit made, as the case may require, shall stay all proceedings upon the conviction, and if the person convicted is in custody, the said justice shall issue his warrant (Form C) to liberate such person: In any of the cases thirdly above-mentioned, the person appealing shall remain in custody while the appeal is pending, unless he is in custody for non-payment of a fine or costs, in which case the convicting justice shall order his liberation upon his depositing (in addition to the said sum of ten dollars) the amount for the non-payment of which he is in custody.

In the first and second above cases, justice to stay proceedings and liberate prisoner.

Mode of liberation in the third case.

Summons to show cause why conviction should not be quashed.

4. Within ten days after the date of the conviction but not afterwards, unless it is made to appear to the judge that the delay arose wholly from the default of the convicting justice, the judge of the county court, if he be of opinion from the said evidence that the conviction may be erroneous, may grant a summons calling upon the county attorney and the prosecutor to show cause why the conviction should not be quashed; such summons shall not be granted in any case after the expiration of one month from the date of the conviction.

Proceedings on return of summons.

5. Upon the return of the summons the judge upon hearing the parties may either affirm or quash the conviction, or if he shall see fit, may hear the evidence of such other witness or witnesses as may be produced before him, or the further evidence of any witness already examined, and may then make an order affirming, or amending and affirming, or quashing the conviction as he may think just, and may order the payment of costs and may fix the amount thereof.

Proceedings after order affirming or quashing conviction.

6. Upon the production of the judge's order affirming, or amending and affirming the conviction, the justice who has made the conviction shall, if the case is one in which a recognizance has not been given, issue his or their warrant for payment of such further sum for costs as the sum deposited with him is insufficient to pay; if the conviction be quashed the judge shall order a return of the money deposited, and shall have authority to order payment of such sum for costs as he may tax and allow, and unless the sum be paid by the complainant, the justice shall issue his warrant to levy the costs.

The case of conviction and penalty of imprisonment and conviction affirmed, or appeal not prosecuted.

7. If by the conviction it is adjudged that the person convicted should be imprisoned, and the conviction is affirmed, or amended and affirmed, or the person convicted should fail duly to prosecute the appeal, the judge shall issue his warrant (Form D.) for the commitment to the proper gaol or other place of imprisonment of the person convicted, and unless such person, within one week thereafter, surrenders himself into the custody of the constable or other officer entrusted with the execution of the warrant the condition of the recognizance shall be deemed broken, and the recognizance forfeited; and upon proof of the default being made by affidavit of the officer or otherwise, the judge may certify (Form E.) the default on the back of the recognizance, and shall thereupon transmit the recognizance to the clerk of the peace; and such recognizance shall be thereafter proceeded upon at the general sessions of the peace in the same manner as a recognizance taken upon an appeal to the sessions from a summary conviction may be proceeded upon; and the said certificate shall be deemed sufficient *prima facie* evidence of the default of the defendant; but such proceedings shall not relieve the person convicted from undergoing the term of imprisonment for which he was sentenced; and the warrant of the judge issued in that behalf or any new warrant issued by him may be executed

cut in any part of Ontario in the same manner, and subject to the like conditions as a warrant of a justice of the peace for the apprehension of an offender.

8. If by the conviction only a money penalty is imposed, the judge upon being satisfied by affidavit or otherwise that default has been made upon a recognizance given on an appeal in such a case, shall certify in like manner, as is provided in the preceding section, and similar proceedings shall thereupon be had in respect of such recognizance.

The case of conviction and money penalty and default on recognizance.

9. In case it is proved to the satisfaction of the judge that the person convicted had previously served a portion of his term, the judge shall only issue his warrant for the commitment of the defendant for the residue of the term of imprisonment to which he was sentenced: The judge may, if he think fit, transmit his said warrant to the convicting justice in order that he may place the same in the hands of a constable for execution.

Service of portion of term of imprisonment before order made on appeal.

Transmission of judges warrant.

10. Any warrant issued under this Act may be directed in the same manner, and executed by the like officers as a warrant of commitment upon a summary conviction made under a Statute of the Dominion of Canada.

Warrants, direction and execution of.

11. In all cases of appeal to a County Court Judge from any summary conviction, had before any justice, the judge to whom such appeal is made shall hear and determine the charge or complaint on which such conviction has been had, upon the merits, notwithstanding any defect of form or otherwise in such conviction; and if the person charged or complained against is found guilty, the conviction shall be affirmed, and the judge shall amend the same if necessary.

Hearing on appeal to be on the merits.

Power to amend.

12. The justice shall retain any moneys deposited with him as aforesaid, for the period of six months unless judgment shall be sooner given; upon the judgment in appeal being given, or upon the expiration of six months from the day of the date of the conviction, the justice shall pay over such moneys to the person or persons entitled thereto in accordance with the judgment; and if the judgment in appeal is not delivered within six months from the day of the date of the conviction, the conviction shall stand, but the respondent shall not be entitled to any costs of the appeal; and in case imprisonment was adjudged by the conviction, the convicting justice shall, or any other justice may, issue his warrant for the commitment of the person convicted for any portion of the term which he may not have served, and no further proceedings shall be taken on the appeal.

Dealing with money deposited.

The case of judgment not given within six months from conviction.

Judgment of imprisonment.

13. No conviction affirmed or amended and affirmed on appeal by the County Court Judge shall be quashed for want of form or be removed by certiorari into any of Her Majesty's Superior Courts of Record; and no warrant or commitment

No conviction affirmed invalid for want of form, or warrant or commitment.



mitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

Conviction on the merits not appealed against, not to be invalid for want of form.

14. In all cases where it appears by the conviction, that the person convicted has appeared and pleaded, and the merits have been tried, and that such person has not (in manner hereinbefore provided) appealed against the conviction where an appeal is allowed, or if appealed against, that the conviction has been affirmed, or amended and affirmed, such conviction shall not afterwards be set aside or vacated in consequence of any defect of form whatever, but the construction shall be such a fair and liberal construction as will be agreeable to the justice of the case.

Powers of the judge.

15. In all process and proceedings before the Judge of the County Court under this Act the Judge shall, with reference to the matters herein contained, have all the powers which belong to, or might be exercised by him in the County Court; and all necessary process may be issued from the office of the Clerk of the County Court.

Issuing of process.

Forms.

16. The several forms in the schedule to this Act contained, varied to suit the case, or forms to the like effect, shall be deemed good, valid and sufficient in law.

Interpretation "justice," "justice of the peace," "conviction," "person convicted."

17. The word "justice" or the expression "justice of the peace" wherever used in this Act shall include two or more justices of the peace, or a stipendiary or police magistrate: The word "conviction" shall include an order made by a justice of the peace: The expression "person convicted" shall include any person against whom an order is made as aforesaid.

#### FORM "A"

*Recognizance to try the appeal; to be taken where only a money penalty is imposed.*

Province of Ontario, }  
County of }

Be it remembered, that on A.B., of (Laborer)  
and L.M., of (Grocer), and O.P., of (Yeoman),  
personally came before undersigned (one or two) of Her  
Majesty's Justices of the Peace in and for the said county of  
, (or united counties as the case may be) and severally  
acknowledged themselves to owe to our Sovereign Lady the  
Queen, the several sums following, that is to say, the said A.B.  
the



the sum of                      and the said *L.M.* and *O.P.*, the sum of each, of good and lawful money of Canada, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Lady the Queen, Her Heirs and Successors, if he the said *A.B.*, shall fail in the condition hereunder written (*or endorsed*).

Taken and acknowledged the day and year first above mentioned at                      before me (*or us*).

J. S.

Whereas the said *A.B.* was on the                      day of                      A.D. convicted before *C.D.* (and *E.F.*) one (*or two*) of Her Majesty's Justices of the Peace for the said county (*or united counties*) for that (*stating the substance of the conviction*).

And whereas the said *A.B.* has undertaken to appeal against the said conviction to the judge of the County Court of the county of                      (*or united counties of*.)

Now the condition of the above (*or within*) recognizance is such that if the said *A.B.* shall within one month from the date of the said conviction, obtain from the said judge a summons calling upon the county attorney and the prosecutor to show cause why the said conviction should not be quashed, and shall duly prosecute the said appeal, and shall abide by and duly perform the order of the judge to be made upon the trial of such appeal, and shall pay such costs as the said judge shall order, then the said recognizance to be void, and otherwise to remain in full force and virtue.

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### FORM "B."

*Recognizance to try the appeal; to be taken where imprisonment is imposed.*

Province of Ontario,                      }  
County of    }

Be it remembered, that (*proceed as in Form "A" to the end, and add the following additional condition*):

And further that if the said *A.B.*, in case the conviction is affirmed, or amended and affirmed, shall surrender himself into the custody of the constable or other officer entrusted with the execution of the warrant, within one week after the judge shall issue his warrant for the commitment of the said *A.B.*, then the said recognizance to be void, and otherwise to remain in full force and virtue.

## FORM "C."

*Warrant of deliverance where defendant is in custody, and entitled to be liberated.*

Province of Ontario, }  
County of }

To the Keeper of the Common Gaol of the county of  
(or united counties of, or to *E.F.* the constable having in  
his custody *A.B.* hereinafter named or as the case may  
require).

Whereas *A.B.* hath before one (or two) of Her Majesty's  
Justices of the Peace in and for the said county of ,  
entered into his own recognizance and found sufficient sureties  
to prosecute before the judge of the County Court of the county  
of , an appeal from a conviction had before me or us  
for that (*stating the substance of the conviction*) for which the said  
*A.B.* was committed to your custody.

These are therefore to command you, in Her Majesty's name,  
that if the said *A.B.* do remain in your custody for the said  
cause and for no other, you shall forthwith suffer him to go  
at large.

Given under my (or our) hand and seal (or hands and seals),  
this day of in the year of our Lord ,  
at in the county aforesaid.

J. S. { L.S. }

J. N. { L.S. }

## FORM "D."

*Warrant of the Judge of the County Court when imprison-  
ment adjudged and conviction affirmed.*

Province of Ontario, }  
County of }

To all or any of the constables and other peace-officers in the  
said county, and to the keeper of the common gaol of the  
said county :

Whereas *A.B.*, late of (*Laborer*), was on or about the  
day of convicted before J. S., one of Her  
Majesty's Justices of the Peace in and for the said county for  
that (*stating the offence*), and it was thereby adjudged (*stating  
the judgment;*) And whereas the said *A.B.* hath appealed  
against

against the said conviction to me, *H.K.*, the judge of the County Court of the said county of \_\_\_\_\_; And, whereas, after hearing the said appeal, I, the said *H.K.*, have affirmed the said conviction (*or have amended the said conviction as follows, stating the amendment made,* and have affirmed the said conviction as so amended.)

These are therefore to command you, the said constables or peace-officers, or any of you, to take the said *A.B.*, and him safely to convey to the common gaol at \_\_\_\_\_ and there to deliver him to the keeper thereof, together with this warrant; And I do hereby command you, the said keeper of the said common gaol, to receive the said *A.B.* into your custody in the said common gaol, there to imprison him (and to keep him at hard labour) for the space of \_\_\_\_\_, being the term (*or being the portion yet unserved of the term*) mentioned in the said conviction; and for your so doing, this shall be your sufficient warrant.

Given under my hand and seal, this \_\_\_\_\_ day of \_\_\_\_\_  
in the year of our Lord \_\_\_\_\_, at \_\_\_\_\_ in the  
county of \_\_\_\_\_.

H. K.

L.S.

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FORM "E."

*Certificate of default to be endorsed on the recognizance.*

I hereby certify that the within-named *A.B.*, hath not surrendered himself (*stating according to the fact the default on account of which the recognizance is forfeited*) in accordance with the condition of the within Recognizance, but therein hath made default, by reason whereof the said Recognizance is forfeited.

H. K.

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CAP. XII.

An Act to amend the Act respecting Division Courts.

[Assented to 21st December, 1874.]

**W**HEREAS it is necessary and expedient to amend the Preamble.  
Act respecting the Division Courts:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

C. S. U. C., c.  
19, s. 7 amended.

1. Section seven of the Act intituled "An Act respecting the Division Courts," being chapter nineteen of the Consolidated Statutes for Upper Canada, is hereby amended by striking out the word "quarter" in the first line of the said section, and substituting the word "general" in lieu thereof.

Sections 8,  
10, 11 and 14,  
amended.

2. Sections eight, ten, eleven and fourteen of the said Act are hereby amended by striking out the word "quarter" in each of the said sections.

Section 8,  
amended.  
Resolutions  
and orders as  
to divisions  
not to be  
altered till  
after notice.

3. Section eight of the said Act is hereby further amended by striking out all the words after the word "one" in the fifth line of the said section, and substituting instead thereof the words following—"but any such resolution or order shall not be altered or rescinded, unless public notice of the intention so to alter or rescind, be made and proclaimed in open court, at the next previous sittings of such General Sessions of the Peace."

Section 14,  
amended.  
Resolutions  
and orders as  
to divisions  
not to be  
altered till  
after notice.

4. Section fourteen of the said Act is hereby further amended by striking out all the words after the word "Court" in the ninth line of said section, and substituting instead thereof the words following, "and no resolution or order made under the provisions of this section shall be altered or rescinded unless public notice of the intention so to alter or rescind be made and proclaimed in open court at the next previous sittings of such General Sessions of the Peace."

Judge of  
County Court  
to have juris-  
diction to hold  
division Court  
in any county.

5. Every Judge of a County Court shall have jurisdiction to hold the Division Court in any County in the Province; and it shall be the duty of any County Court Judge to hold any such Division Court in any county other than that to which he is the Judge upon being required so to do by an order of the Lieutenant-Governor in Council, and any Judge while holding such court shall have all the rights, powers and privileges of the Judge of the County Court of the county.

Order in  
Council not  
equise to  
enable Judge  
to hold Court  
in an outer  
county.

6. Such Order in Council shall not be essential to give a County Court Judge jurisdiction to hold any such Division Court in a county other than that of which he is the Judge, but he may, if he think fit, hold any such Division Court at the request of the Judge or one of the Judges of that county.



## CAP. XIII.

An Act to make further provision for Courts in Un-organized Districts, and respecting Municipalities therein.

[Assented to 21st December, 1874.]

**H**ER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** The Judge of any County or District Court to whose jurisdiction any territorial district or provisional county belongs, may appoint additional sittings of the County or District Court and of the Court of the General Sessions of the Peace, or of either of such Courts, to be held at such place or places within such territorial district or provisional county, as he may think fit; such sittings of the County Court to be for the trial of causes, where the contract was made within the territorial district or provisional county, or if the action is not upon contract, then where the cause of action arose within the territorial district or provisional county, and such Sessions of the Peace to be for the trial of causes within the jurisdiction of the General Sessions of the Peace, provided the offence to be tried was committed within such territorial district or provisional county.

County Court Judge may appoint additional sittings of the court or of sessions of the peace within unorganized territory or provisional county.

**2.** Sittings in any of the said Courts shall also be held under the provisions of this Act at such times and places as the Lieutenant-Governor in Council may appoint.

Lieut-Governor in council may require Sittings to be held.

**3.** In case the Lieutenant-Governor shall direct sittings of the Court of the Sessions of the Peace of any county or provisional judicial district, to be held at regular periods at some place within a territorial district or provisional county, and shall issue his proclamation in that behalf, such sittings shall thereafter be the proper court for the trial of appeals to the General Sessions from a decision, order or conviction made by a Justice of the Peace within such territorial district or provisional county, and such court shall have full and complete jurisdiction and authority for the trial of every such appeal, as well as for the trial, under the first section of this Act, of any person charged with an offence committed within the territorial district or provisional county over which the sessions have jurisdiction: Provided always that where an offender may be more conveniently tried within that portion of the county or district outside of such territorial district or provisional county, such offender may be so tried.

Appeal to general Sessions.

Proviso.

Superior courts of law and court of chancery, or a judge thereof, may order trial of superior court actions or examinations of witnesses at the courts held under this Act.

4. Either of the Superior Courts of Law or a Judge thereof may direct that any action of ejectment for the recovery of the possession of lands lying in the territory or provisional county in which any sittings of a County or district Court are to be held, or any other action pending in a Superior Court of Law, shall be tried at such sittings; or may order that the witnesses shall be examined and the facts ascertained at such sittings; and the questions of law arising thereon reserved for the opinion of the Court in which the action is pending; or may make such like order for the purpose of facilitating the determination of the matter in dispute in the action as he may think fit: the Court of Chancery, or a Judge thereof, may make a similar order in respect of a suit pending in that Court.

Summoning jurors.

5. The sheriff or other officer whose duty it is, or who may be legally required, to summon and return jurors or persons to serve as jurors for such courts, shall and may select, choose and return for such jurors, in case jurors are required, any of the inhabitants of such territory or provisional county, without reference to the mode prescribed for selecting, balloting or returning jurors by the Upper Canada Jurors' Act.

Jurisdiction of district court of Algoma on contracts within the district, to \$300.

6. The District Court of the District of Algoma shall have jurisdiction in all causes and suits upon contract, to the sum of eight hundred dollars, where the contract was made within the said district.

Power to appoint deputy sheriff for district of Thunder Bay: his duties, &c.

7. It shall be lawful for the Lieutenant-Governor in Council to direct that the sheriff of the District of Algoma, shall appoint a deputy who shall keep an office at Prince Arthur's Landing in the Territorial District of Thunder Bay, for the receipt of all writs affecting lands or goods and chattels in the District of Thunder Bay, and such deputy shall possess all the rights of office, except as to fees, and may perform all the duties, belonging to the sheriff in respect to the District of Thunder Bay. In case of a vacancy in the said office of deputy sheriff, or in case the said deputy sheriff is, through sickness, unable to perform his duties, and no person has been appointed by the sheriff or deputy sheriff to act in such a contingency, of which appointment the stipendiary magistrate shall be notified, the stipendiary magistrate may, by an instrument in writing, appoint some person to perform the duties of the deputy sheriff, until another person assumes the performance of such duties, under the written authority of the sheriff or deputy sheriff.

After proclamation &c. priority of writ shall be from time received by the said deputy within said District.

8. After the appointment of a deputy, and from a date to be notified by proclamation of the Lieutenant-Governor, writs of execution shall bind goods and lands within the District of Thunder Bay, from the time that the same are delivered, within the said District of Thunder Bay, to the sheriff or deputy-sheriff within the said district to be executed, and writs intended

to

to bind lands within the said District shall be directed to the said sheriff as "Sheriff of the Territorial District of Thunder Bay:" Nothing herein contained shall effect the priority of any writs now in the hands of the sheriff: Any writs received by the said sheriff directed to him as Sheriff of the Territorial District of Thunder Bay, shall be forwarded by him, by the next mail, to his deputy at Prince Arthur's Landing.

Forward-  
ing writs to  
Deputy  
Sheriff  
at Prince  
Arthur's  
Landing.

**9.** Arrears of taxes due to any municipality formed under the provisions of the statutes of Ontario, intituled respectively, "An Act to establish Municipal Institutions in the District of Algoma;" "An Act to establish Municipal Institutions in the Districts of Parry Sound, Muskoka, Nipissing, and Thunder Bay;" "An Act to organize the Municipality of the District of Muskoka for certain purposes," and "An Act to organize the Municipality of Shuniah and to amend the Acts for establishing Municipal Institutions in Unorganized Districts" shall be collected and managed in the same way as like arrears due to municipalities in counties; and the treasurer and reeve of such municipality shall perform the like duties in the collection and management of arrears of taxes, as in counties are performed by the treasurers and wardens thereof; and the various provisions of law relating to sales of land for arrears of taxes, or to deeds given therefor shall, unless where otherwise provided by this Act, apply to the said municipalities and to sales of land therein for arrears of taxes due thereon, and to deeds given therefor.

Collection of  
taxes and  
sales for taxes  
in certain Dis-  
tricts, &c., pro-  
vided for.

**10.** No sale of any lands for taxes shall take place in any municipality formed as aforesaid, except during the months of July, August, September or October; and the advertisement of the proposed sale, which under the one hundred and thirty-second and one hundred and thirty-third sections of the "Assessment Act of 1869," is required to be published in the *Ontario Gazette* and in a local newspaper, shall, when lands are to be sold in any such municipality, for arrears of taxes, be published also once a week, for at least four weeks, in such newspaper published in the City of Toronto, as the Lieutenant-Governor in Council may designate.

Mode of sale  
for arrears of  
taxes.  
Notices, time  
for.

**11.** The Lieutenant-Governor in Council may, by proclamation, annex to any municipality formed as aforesaid, any territory lying adjacent thereto, and may, upon the application of two or more adjacent municipalities form the same, either with or without additional area, into one municipality. In any such case, the Lieutenant-Governor may fix the time at which the annexation or union shall take effect, and also the time when the first election shall take place, and the name by which the municipality shall be called.

Lieutenant-  
Governor in  
Council may  
annex to cer-  
tain municipi-  
ties terri-  
tory adjacent  
thereto, and  
form two into  
one.



Trial of controverted election.

**12.** To remove doubts it is hereby declared that the provisions of law for the trial of controverted elections, applicable to councillors of townships in counties, apply to the members of the council of municipalities formed under any of the Acts mentioned in the ninth section of this Act.

The Act as to Municipal Institutions in Parry Sound, Muskoka, &c., applied to Algoma with certain exceptions.

**13.** The said Act intituled "An Act to establish Municipal Institutions in the District of Algoma," is hereby repealed, except the twenty-fifth clause thereof, and hereafter the provisions of the said Act intituled "An Act to establish Municipal Institutions in the Districts of Parry Sound, Muskoka, Nipissing, and Thunder Bay," as amended by the Act passed in the thirty-sixth year of Her Majesty's reign, chaptered fifty, and by the Act passed in the thirty-seventh year of Her Majesty's reign, chaptered seventeen, and by this Act, shall apply to the said District of Algoma, except that the duties which by the said first mentioned Act, as so amended, are required to be performed by the Stipendiary Magistrate, shall, in that portion of Algoma, which is not included within the District of Thunder Bay, be performed by the Judge of the District Court of Algoma.

Present municipal councils in Algoma continued till 1876, and appointment of successors.

**14.** The present councils of municipalities formed under the said "Act to establish Municipal Institutions in the District of Algoma," shall continue to hold office until the first day of January, in the year of Our Lord one thousand eight hundred and seventy-six, and thereafter until their successors are elected.

## CAP. XIV.

### An Act to Amend the Upper Canada Jurors' Act.

[Assented to 21st December, 1874.]

**H**ER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

C. S. U. C.,  
ch. 31, ss. 140  
and 141<sup>3</sup>  
amended

**1.** Sections one hundred and forty and one hundred and forty-one, of "The Upper Canada Jurors' Act," are hereby repealed, and the following section is substituted therefor:

Jurors' fees  
and mileage.

"141. Every grand juror actually attending any of the Courts of Oyer and Terminer, or at the general sessions of the Peace, and every Petit Juryman actually attending any of the Courts



Courts of Assize and Nisi Prius, Oyer and Terminer, General Gaol Delivery, General Sessions of the Peace, or County Courts in Ontario, shall be entitled to receive in manner hereinafter provided, the sum of one dollar and fifty cents per day for every day he attends such court, and the sum of ten cents per mile for every mile he necessarily travels from his place of residence to the said court, and such additional sum, if any, as the County Council may, by by-law, from time to time fix and determine; and the distance travelled shall be ascertained by the declaration of the Sheriff's Bailiff who summoned such Juror, or by the declaration of the Juror himself; but every Juror who makes a false declaration respecting such distance, shall forfeit his right to receive any payment for travelling to, or attending, such court as a Juror."

## CAP. XV.

### An Act respecting Railway Arbitrations.

[Assented to 21st December, 1874.]

**W**HEREAS it is expedient to compel by subpœna the attendance of witnesses before arbitrators appointed under the Railway Act, and to give a right of appeal from the award of such arbitrators : Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Any party to an arbitration under the Railway Act, or the Railway Act, 1868, may without leave or order, obtain and issue out of any one of the Superior Courts upon *præcipe*, setting forth the names of the witnesses to be subpœned, the names of the arbitrators, and the place and time of meeting, a subpœna commanding the attendance for examination of any witness, and also the production of any document to or before the arbitrator or arbitrators, and at the time and place mentioned in such subpœna; and the disobedience of such subpœna shall be deemed a contempt of court, and shall be punishable in the same manner and to the like extent as in the case of subpœnas issued out of such court in a civil case. Parties to Railway Arbitrations may obtain subpœnas.  
  
Disobedience thereto to be deemed contempt of court.

2. The same fees shall be payable for such subpœnas, as in the case of subpœnas issued out of such superior court in civil cases, and the witness shall be entitled to the like conduct money. Fees and conduct money

Depositions to be in writing and filed with clerk of records and writs, with exhibits, &c.

3. The depositions of witnesses examined before such arbitrators, shall be taken down in writing, and shall forthwith after the making of their award, together with the exhibits referred to therein, and all other papers connected with the reference except the award, be delivered, or by registered letter transmitted by the arbitrators to the clerk of records and writs of the Court of Chancery, with appropriate stamps, and shall be filed by such clerk with the records of the Court.

Parties to arbitration may appeal to judges of Superior Courts.

4. Any party to such arbitration, may within one month after receiving a written notice from one of the arbitrators of the making of the award, appeal therefrom upon any question of law or fact to a judge of any of the superior courts of law or equity, and upon the hearing of such appeal such judge shall, if the same be a question of fact, decide the same upon the evidence, as in a case of original jurisdiction.

Practice and proceedings upon appeal.

5. Upon any such appeal the practice and proceedings shall be as near as may be, the same as upon an appeal from a decision of the judge of the county court in insolvency.

Existing practice as to setting aside award continued

6. The right of appeal hereby given shall not affect the existing law or practice as to setting aside awards.

## CAP. XVI.

### An Act for the further Limitation of Actions and Suits relating to Real Property.

[Assented to 21st December, 1874.]

Preamble.

WHEREAS it is expedient to lessen the time for making entries and distresses, and for bringing actions and suits to recover land or rent, in certain cases from forty to twenty years, and in certain other cases from twenty to ten years, and in certain other cases from ten to five years, and also to lessen the time for redemption by mortgagors, and for recovery of dower, and of money charged on lands or on rent, and of legacies, and also to provide for cases of money and legacies charged on land or on rent secured by express trust, according to the provisions hereinafter contained respectively relating thereto :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. No person shall make any entry or distress, or bring any action or suit, to recover any land or rent, but within ten years next after the time at which the right to make such entry or distress, or to bring such action or suit, shall have first accrued to some person through whom he claims; or if such right shall not have accrued to any person through whom he claims, then within ten years next after the time at which the right to make such entry or distress, or to bring such action or suit shall have first accrued to the person making or bringing the same.

No land or rent to be recovered but within ten years after the right of action accrued.  
Con. Stat. ch. 88, s. 1.  
Imp. 3 and 4 Wm. 4, ch. 27, s. 2; 37 & 38 Vic., c. 57, s. 1.

2. A right to make an entry or a distress, or to bring an action or a suit, to recover any land or rent, shall be deemed to have first accrued, in respect of an estate or interest in reversion or remainder, or other future estate or interest, at the time at which the same shall have become an estate or interest in possession, by the determination of any estate or estates in respect of which such land shall have been held or the profits thereof or such rent shall have been received, notwithstanding the person claiming such land or rent, or some person through whom he claims, shall, at any time previously to the creation of the estate or estates which shall have determined, have been in the possession or receipt of the profits of such land, or in receipt of such rent;

Provision for case of future estates.  
Con. s. 2 cl. 4.  
Imp. Wm. s. 3.  
Con. s. 5.  
Imp. Wm. s. 5.  
Con. s. 48.  
Imp. Wm. s. 20.  
Imp. Vic. s. 2.

3. But if the person last entitled to any particular estate on which any future estate or interest was expectant shall not have been in the possession or receipt of the profits of such land, or in receipt of such rent, at the time when his interest determined, no such entry or distress shall be made, and no such action or suit shall be brought, by any person becoming entitled in possession to a future estate or interest, but within ten years next after the time when the right to make an entry or distress, or to bring an action or suit for the recovery of such land or rent, shall have first accrued to the person whose interest shall have so determined, or within five years next after the time when the estate of the person becoming entitled in possession shall have become vested in possession, whichever of those two periods shall be the longer;

Time limited as to future estates when person entitled to the particular estate out of possession, &c.  
Statutes supra.

4. If the right of any such person to make such entry or distress, or to bring any such action or suit, shall have been barred under this Act, no person afterwards claiming to be entitled to the same land or rent in respect of any subsequent estate or interest under any deed, will, or settlement executed or taking effect after the time when a right to make an entry or distress, or to bring an action or suit, for the recovery of such land or rent, shall have first accrued to the owner of the particular estate whose interest shall have so determined as aforesaid, shall make any such entry or distress, or bring any such action or suit, to recover such land or rent.

The case of bar of future estate and of a subsequent interest created after right of entry, &c., accrued to owner of particular estate.  
Statutes supra.

5. If at the time at which the right of any person to make an entry or distress, or to bring an action or a suit to recover any

In cases of infancy, or lunacy at the time



when the right of action accrues, then five years to be allowed from the termination of the disability or previous death.  
 Con. s. 15.  
 Imp. Wm. s. 16.  
 Imp. Vic. s. 3.

any land or rent, shall have first accrued, such person shall have been under any of the disabilities hereinafter mentioned, (that is to say), infancy, idiocy, lunacy, or unsoundness of mind, then such person, or the person claiming through him, may, notwithstanding the period of ten years or five years (as the case may be,) hereinbefore limited shall have expired, make an entry or a distress, or bring an action or a suit, to recover such land or rent, at any time within five years next after the time at which the person to whom such right shall first have accrued shall have ceased to be under any such disability, or shall have died (whichever of those two events shall have first happened.)

Twenty years utmost allowance for disabilities.

Con. s. 46.  
 Imp. Wm. s. 17.  
 Imp. Vic. s. 5.

6. No entry, distress, action or suit shall be made or brought by any person, who, at the time at which his right to make any entry or distress, or to bring an action or suit to recover any land or rent, shall have first accrued, shall be under any of the disabilities hereinbefore mentioned, or by any person claiming through him, but within twenty years next after the time at which such right shall have first accrued, although the person under disability at such time may have remained under one or more of such disabilities during the whole of such twenty years, or although the term of five years from the time at which he shall have ceased to be under any such disability, or have died, shall not have expired.

In case of possession under an assurance by a tenant in tail, which shall not bar the remainder, they shall be barred at the end of ten years after that period at which the assurance, if then executed, would have barred them.  
 Con. s. 30.  
 Imp. Wm. s. 23.  
 Imp. Vic. s. 6.

7. When a tenant in tail of any land or rent shall have made an assurance thereof, which shall not operate to bar the estate or estates to take effect after or in defeasance of his estate tail, and any person shall by virtue of such assurance at the time of the execution thereof, or at any time afterwards, be in possession or receipt of the profits of such land, or in the receipt of such rent, and the same person or any other person whosoever (other than some person entitled to such possession or receipt in respect of an estate which shall have taken effect after or in defeasance of the estate tail) shall continue or be in such possession or receipt for the period of ten years next after the commencement of the time at which such assurance, if it had then been executed by such tenant in tail, or the person who would have been entitled to his estate tail if such assurance had not been executed, would, without the consent of any other person, have operated to bar such estate or estates as aforesaid, then, at the expiration of such period of ten years, such assurance shall be and be deemed to have been effectual as against any person claiming any estate, interest, or right to take effect after or in defeasance of such estate tail.

Mortgagor to be barred at end of ten years from the time when the mortgagee took possession.

8. When a mortgagee shall have obtained the possession or receipt of the profits of any land or the receipt of any rent comprised in his mortgage, the mortgagor, or any person claiming through him, shall not bring any action or suit to redeem the mortgage but within ten years next after the time at which the



the mortgagee obtained such possession or receipt, unless in the meantime an acknowledgment in writing of the title of the mortgagor, or of his right to redemption, shall have been given to the mortgagor or some person claiming his estate, or to the agent of such mortgagor, or person, signed by the mortgagee, or the person claiming through him; and in such case no such action or suit shall be brought but within ten years next after the time at which such acknowledgment, or the last of such acknowledgments, if more than one, was given.

9. In case there shall be more than one mortgagor, or more than one person claiming through the mortgagor or mortgagors, such acknowledgment, if given to any of such mortgagors or persons, or his or their agent, shall be as effectual as if the same had been given to all such mortgagors or persons.

10. In case there shall be more than one mortgagee, or more than one person claiming the estate or interest of the mortgagee or mortgagees, such acknowledgment, signed by one or more of such mortgagees or persons, shall be effectual only as against the party or parties signing as aforesaid, and the person or persons claiming any part of the mortgage money or land or rent by, from, or under him or them, and any person or persons entitled to any estate or estates, interest or interests, to take effect after or in defeasance of his or their estate or estates, interest or interests, and shall not operate to give to the mortgagor or mortgagors a right to redeem the mortgage as against the person or persons entitled to any other undivided or divided part of the money or land or rent; and where such of the mortgagees or persons aforesaid as shall have given such acknowledgment shall be entitled to a divided part of the land or rent comprised in the mortgage, or some estate or interest therein, and not to any ascertained part of the mortgage money, the mortgagor or mortgagors shall be entitled to redeem the same divided part of the land or rent on payment, with interest, of the part of the mortgage money which shall bear the same proportion to the whole of the mortgage money as the value of such divided part of the land or rent shall bear to the value of the whole of the land or rent comprised in the mortgage.

11. No action or suit or other proceeding shall be brought to recover any sum of money secured by any mortgage, judgment, or lien, or otherwise charged upon or payable out of any land or rent, at law or in equity, or any legacy, but within ten years next after a present right to receive the same shall have accrued to some person capable of giving a discharge for, or release of the same, unless in the meantime some part of the principal money, or some interest thereon, shall have been paid, or some acknowledgment of the right thereto shall have been given in writing signed by the person by whom the same shall be payable, or his agent, to the person entitled thereto or his agent; and

tion or from the last written acknowledgment.  
Imp. Wm. s. 28.  
Imp. Vic. s. 7.  
Con. Stat. ss. 21, 22, 23.

Acknowledgment to one of several mortgagors.  
Con. Stat. s. 22.

Acknowledgment by one of several mortgagees.  
Con. Stat. s. 23.

Money charged upon land and legacies to be deemed satisfied at the end of ten years if no interest paid nor acknowledgment given in writing in the meantime.  
Con. s. 24.  
Imp. Wm. s. 40.  
in Imp. Vic. s. 8.

in such case no such action or suit or proceeding shall be brought, but within ten years after such payment or acknowledgment, or the last of such payments or acknowledgments, if more than one was given.

Mortgagee may enter or sue within ten years from last payment. Con. s. 25. Imp. 7, W. 4, 1, V. c. 28.

**12.** Any person entitled to or claiming under a mortgage of land, may make an entry or bring an action at law or suit in equity to recover such land, at any time within ten years next after the last payment of any part of the principal money or interest secured by such mortgage, although more than ten years may have elapsed since the time at which the right to make such entry, or bring such action or suit in equity, shall have first accrued.

Time for recovering charges and arrears of interest not to be enlarged by express trusts for raising same. See Imp. Wm. ss. 25, 40. Imp. Vic. s. 10. See Con. ss. 32, 24.

**13.** No action, suit, or other proceeding shall be brought to recover any sum of money or legacy charged upon or payable out of any land or rent, at law or in equity, and secured by an express trust, or to recover any arrears of rent or of interest in respect of any sum of money or legacy so charged or payable and so secured, or any damages in respect of such arrears except within the time within which the same would be recoverable if there were not any such trust.

Action of dower to be brought within 10 years. 32 V., c. 7, s. 22 repealed.

**14.** No action of or suit for dower shall be brought but within ten years from the death of the husband of the demandant, notwithstanding any disability of the demandant or of any person claiming under her; and section twenty-two of the Act passed in the thirty-second year of the reign of Her Majesty, chaptered seven, is hereby repealed.

Con. Stat. ch. 88, as amended by 27 & 28 V. ch. 29 to be construed with and as amended by this Act.

**15.** All the provisions of the Consolidated Statute for Upper Canada chaptered eighty-eight, as amended by the Act passed in the session held in the twenty-seventh and twenty-eighth years of the reign of Her Majesty, chaptered twenty-nine, and as such last named Act is further hereby amended, except those provisions contained in the several sections of such consolidated statute next hereinafter mentioned, and except so far as inconsistent with this Act, shall remain in full force, and be construed together with this Act, and take effect as if the provisions hereinbefore contained were respectively substituted in such statute for the provisions mentioned in the sections thereof numbered respectively one, five, forty-five, forty-six, thirty, twenty-one, twenty-two, twenty-three, twenty-four and twenty-five, (which several sections are hereby repealed), and as if in section forty-seven of the said Consolidated Statute, the term of five years had been mentioned instead of the term of ten years, and the period of ten years instead of the period of twenty years, and as if in section three of the said statute, as amended by the said Act chaptered twenty-nine, the period of ten years had been mentioned instead of that of twenty years, and the period of twenty years instead of that of forty years.

Sections of Con. Stat. 1, 5, 45, 46, 30, 21, 22, 33, 24, 25 repealed, and ss. 3 & 47 amended.

**16.** This Act shall commence and take effect on and after the first day of July, in the year of our Lord, one thousand eight hundred and seventy-seven, as respects any person who at and for twelve months continuously after the passing of this Act, resided without this Province, and is entitled to make an entry or distress or bring an action or suit to recover any land or rent; or so resident, is a mortgagor or person entitled to redeem within the meaning of the said twenty-first, twenty-second or twenty-third sections of said Consolidated Statute; or so resident is a person entitled to bring an action, suit, or other proceeding within the meaning of the said twenty-fourth section of said statute; or so resident is entitled to, or claiming under a mortgage, within the meaning of the said twenty-fifth section of said statute; or so resident is a person claiming an estate interest or right to take effect after or in defeasance of an estate tail within the meaning of the said thirtieth section of said statute; or so resident is entitled to an action, suit or other proceeding within the meaning of the thirteenth section of this Act; or so resident is entitled to demand dower; and except as respects the persons, and in the cases, mentioned above in this section, this Act shall commence and take effect on and after the first day of July one thousand eight hundred and seventy-six.

Commence-  
ment of the  
Act.

**17.** This Act may be cited as the "Real Property Limitation Short Title Amendment Act, 1874."

## CAP. XVII.

### An Act to amend the Registration of Titles (Ontario) Act.

[Assented to 21st December, 1874.]

**WHEREAS** no provision exists for the discharge of mortgages on land liable to seizure and seized or taken in execution by Sheriffs and Bailiffs of Division Courts or other officers under writs of execution, and it is expedient to make provision for the same and to amend the Registration of Titles (Ontario) Act: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** When a Sheriff, Bailiff of a Division Court or other officer, under a writ or warrant of execution against goods seizes any mortgage belonging to the person against whose effects the writ or warrant has issued, on or affecting land in the Province of Ontario, the payment with or without suit in whole or in part to such Sheriff, Bailiff or other officer by the mortgagor or any On payment to the officer who has seized a mortgage on execution he may discharge the same in whole or in part.



any other person of the mortgage money thereby secured shall discharge such mortgage to the extent of such payment.

Form of certificate of discharge.

2. After payment of such mortgage or any part thereof, the Sheriff, Bailiff or other officer shall at the request and expense of the person requiring the same, give a certificate under the hand and seal of office of such Sheriff or other officer or under the hand of such Bailiff, and the seal of the court of which he shall be bailiff, which seal the Clerk of the Court shall upon the written request of such Bailiff (which request the Clerk shall file) affix to such certificate (*as the case may be*), and which certificate may be in the following form, that is to say :

To the Registrar of the county, (riding or city, *as the case may be*) I, A. B., of \_\_\_\_\_ Sheriff of the County of (*as the case may be*) or Bailiff of the (number) Division Court of the county of or city of (*as the case may be*) do certify that by virtue of a writ of execution wherein C. D. is plaintiff and E. F. defendant, issued out of Her Majesty's Court of Queen's Bench (*as the case may be*) and to me directed, I seized a certain mortgage made by one J. H. of, (*as described in said mortgage*) bearing date the \_\_\_\_\_ day of A.D. 18 \_\_\_\_\_ and registered at \_\_\_\_\_ of the clock in the forenoon, Liber, \_\_\_\_\_ for No. \_\_\_\_\_ (*as the case may be*) of the \_\_\_\_\_ day of \_\_\_\_\_ in the same year, (*as the case may be*) to E. F. of \_\_\_\_\_ (*as described in the mortgage*) the defendant in the said writ of execution named, and such mortgage has not been assigned (or has been assigned to the defendant and such assignment has been registered as follows :) (*Here set out date and registration of assignment*, and I do further certify that I have levied from the said mortgagor, his executors, administrators or assigns (*as the case may be*) the full amount of said mortgage, (or \$ \_\_\_\_\_ parcel of said mortgage,) and that such mortgage is therefore discharged (or that such mortgage is as to \$ \_\_\_\_\_ parcel of the moneys thereby payable discharged).

As witness my hand and seal of office (*or the seal of the said court*).

This \_\_\_\_\_ day of \_\_\_\_\_ A.D. 18 \_\_\_\_\_

Witness. }  
L. M.

Signed, \_\_\_\_\_ A. B.

Proof of execution of certificate

3. The execution of such certificate shall be proved by the same oath or affirmation, and in the same manner as is provided by law for the proof for registration of other instruments affecting lands, and the certificate shall be registered in the same manner as other certificates of discharge of mortgages are registered.

Effect of certificate on payment in full as

4. Every certificate so registered if the same be of payment in full of such mortgage shall be as valid and effectual in law as a release



release of such mortgage and as a conveyance to the mortgagor, his heirs, executors, administrators or assigns, or any person lawfully claiming by, through or under him or them of the original estate of the mortgagor as if executed by the execution debtor.

re-conveyance of all.

5. Every certificate so registered if the same be payment of only a portion of such mortgage shall be as valid and effectual in law as a release of such mortgage as to such portion as if executed by the execution debtor.

Effect as reconveyance of part, on part payment.

6. The provisions of this Act shall extend and apply to cases in which the seizure or payment has taken place before the passing of this Act.

Act to be retrospective.

7. Every registrar shall upon request of the person for whom the service is performed, furnish a statement in detail of the fees charged by him in respect of any matter for which fees are payable under the provisions of the said Act.

Registrars to give statement of fees payable in any matter.

## CAP. XVIII.

### An Act respecting Personal Estates of small value.

[Assented to 21st December, 1874.]

**W**HEREAS many poor persons die possessed of property of small amount, and it is desirable to increase the facilities for taking out letters of administration to their estate and effects, and to reduce the expenses attending the same :

Preamble.

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Where the whole estate and effects of an intestate or testator shall not exceed in value the sum of two hundred dollars, his widow or any one or more of his children or next of kin or executors may apply to the Judge of the Surrogate Court within the county of which the intestate had his fixed place of abode at the time of his death, and the registrar of the said court shall fill up the usual papers required by the Surrogate Court to lead to a grant of letters of administration of the estate and effects of the said intestate, and shall swear the applicant and attest the execution of the administration bond according to the practice of the said court, and shall then transmit a notice of the application by post to the Surrogate Clerk at Toronto ; and the said registrar, on obtaining the approval or order of the said Judge of the Surrogate Court, shall in due course make out and seal

Proceedings in Surrogate Court for administration.

seal the letters of administration of the estate and effects of the said intestate, to be delivered to the party so applying for the same without the payment of any fee for the same, save as is provided by this Act.

Proof of relationship.

**2.** The said Judge of the Surrogate Court may require such proof as he may think sufficient to establish the identity and relationship of the applicant.

Judge to be satisfied of the value of the estate less than \$200.

**3.** If the said Judge has reason to believe that the whole estate and effects of which the intestate died possessed exceed in value the said sum of two hundred dollars, he shall refuse to proceed with the application under this Act until he is satisfied as to the real value thereof.

Fees, rules and orders.

**4.** Any rules and orders requisite for carrying this Act into operation shall be framed, and may from time to time be altered by the Board of County Judges; and such fees as the Lieutenant-Governor in Council shall think proper, may be made payable to the Judges and Registrars of the Surrogate Courts acting in the said matters, but the total amount for all proceedings and services to be charged to applicants shall not in any one case exceed the sums mentioned in this Act.

Scale of fees.

**5.** In lieu of all fees now payable under the Surrogate Courts Act, the following fees shall be payable for or in respect of the proceedings under this Act: Where the whole personal estate and effects shall not exceed in value two hundred dollars, the sum of two dollars and no more.

Member or investor in Building Society may nominate a successor.

**6.** A member of, or investor in, or depositor with any Building Society having a sum of money in the funds thereof not exceeding two hundred dollars, may from time to time nominate any person or persons (such person or persons being within the statute of distributions) as successor or successors at death of such member or depositor, provided that such nomination is made in writing, and duly deposited with the Secretary or Manager of the Society; and upon receiving a statutory declaration of the death of the nominator, the Society shall substitute the name of the nominee on its books in the place of the nominator, or may immediately pay to the nominee the amount due to the deceased member or depositor: and if any member, investor or depositor with the Society having in the funds thereof a sum of money not exceeding two hundred dollars, shall die intestate and without making any such nomination, then the amount due shall be paid to the person who shall appear to the Society to be entitled under the statute of distributions to receive the same without taking out letters of administration, upon the Society receiving a statutory declaration of death and intestacy, and that the person so claiming is entitled, as aforesaid: Provided that whenever the Society, after the decease of any member or depositor, has paid any such sum of

Disposition of funds of intestate member.

Proviso.

of money to the person who at the time appeared to be entitled to the effects of the deceased under the belief that he had died intestate without having appointed any nominee, the payment shall be valid and effectual with respect to any demand from any other person as next of kin or as the lawful representative of such deceased member or depositor against the funds of the Society ; But nevertheless, such next of kin or representative shall have his lawful remedy for the amount of such payment as aforesaid against the person who has received the same.

7. In case of a sale of property mortgaged to the Society, any surplus not exceeding two hundred dollars over and above the amount due to the said Society, and costs, derived from sale under power of sale of any property mortgaged to the said Society and over and above any claim of an execution creditor as hereinafter provided where the mortgagor or his assigns shall have died intestate, shall be and is hereby declared to be personal property whether such sale took place before or after the death of the mortgagor or person entitled to the equity of redemption ; except that, in all such cases, the widow of the intestate shall be entitled to a third of such surplus absolutely in satisfaction of her dower, and the Society shall have the like powers as to paying such surplus over without probate, or letters of administration, as declared by this Act, to such widow and next of kin according to respective interest as is conferred by this Act upon the Society in case of depositors and members dying intestate.

Disposition of proceeds of sale under mortgages.

8. But nothing in the preceeding section shall prejudice the right of any execution creditor in respect of any right or lien he may have in respect of such surplus or any portion thereof to the amount of the execution in the hands of the Sheriff.

Rights of execution creditors.

## CAP. XIX.

### An Act respecting Apprentices and Minors.

*[Assented to 21st December, 1874.]*

**H**ER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

#### RIGHTS AND LIABILITIES OF MINORS.

1. Where a Minor over the age of sixteen years, who has no parent or legal guardian, or who does not reside with his parent or guardian, enters into an engagement written or verbal to perform

Minors may bind themselves to labour in certain cases.

perform any service or work, he shall be liable upon the same, and shall have the benefit thereof, as if he had been of legal age. C. S. U. C., c. 76, s. 1.

#### GUARDIANS TO MINORS.

Power of parents, charitable societies, &c., to appoint guardians to minors.

2. Any parent, guardian, or any other person having the care or charge of a Minor, or any charitable society authorized by the Lieutenant Governor to exercise the powers conferred by this Act, may, with the Minor's consent, if the Minor is a male not under the age of fourteen years, or is a female not under the age of twelve years, and without such consent if he or she is under such age, constitute by indenture to be the guardian of the child, any respectable, trustworthy person who is willing to assume, and by indenture or other instrument in writing doth assume, the duty of a parent towards the child; but the parent shall remain liable for the performance of any duty imposed by law in case the guardian shall fail in the performance thereof. *Vide* 26 Vic. cap. 63.

Authority of guardians.

3. The guardian shall thereupon possess the same authority over the child as he or she would have were the ward his or her own child, and shall be bound to perform the duties of a parent toward such ward.

#### APPRENTICING MINORS.

Power of parents, charitable societies, &c., to bind Minors.

4. A parent, guardian, or other person having the care or charge of a Minor, or any charitable society being authorized by the Lieutenant-Governor in Council to exercise the powers conferred by this Act, and having the care or charge of a Minor, the Minor being a male and not under the age of fourteen years, may, with the consent of the Minor, put and bind him as an apprentice by indenture to any respectable and trustworthy master-mechanic, farmer, or other person carrying on a trade or calling, for a term not to extend beyond the minority of the apprentice; or in case of a female not under the age of twelve years, may, with her consent, bind the Minor to any respectable and trustworthy person carrying on any trade or calling, or to domestic service with any respectable and trustworthy person for any term not to extend beyond the age of eighteen years. C. S. U. C., c. 76, s. 6, amended.

The like power given to the mother when the father abandons his infant children.

5. Where the father of an infant child abandons and leaves the child with the mother, the mother, with the approbation of two justices of the peace, may bind the child as an Apprentice to any person mentioned in the last section, until the child attains the age of twenty-one years in the case of a male, and eighteen in the case of a female; and an indenture to that effect, under the hand and seal of the mother and countersigned by such justices, shall be valid; but no child, having attained the age of fourteen years, shall be so apprenticed, unless he or she consents. C. S. U. C., c. 76, s. 3.



**6.** In a city or town, the mayor, judge of the county court or police magistrate, and in a county the judge of the county court of the county may put and bind for the like period to any person mentioned in the several sections of this Act, with the consent of such person and of the Minor, any Minor who is an orphan or has been deserted by his or her parents or guardian, or whose parents or guardian have been for the time committed to a common gaol or house of correction, or any Minor who is dependent upon public charity for support; and such Apprentice and the Master of such Apprentice shall be held in the same manner as if the Apprentice had been bound by his or her parent. 35 Vict. c. 17, s. 1.

Certain Minors may be apprenticed with consent.

**7.** No Minor who has been abandoned by his or her parent or guardian, or who is dependent upon charity for support, shall be removed from any public or private charitable institution, or from the custody or control of any private person who may charitably be taking care of the Minor, by the father or mother or guardian of the Minor against the will of the head of such public or private charitable institution, or of such private person, without an order for such removal from a judge of one of the superior courts of law or equity, or from the judge of the county court of the county, or mayor or police magistrate of the city or town where the Minor is; and the judge or other person hereby empowered to make an order for removal, may refuse to grant an order for the removal of the Minor, unless he shall be satisfied that the removal will tend to the benefit and advantage of the minor. 35 V. c. 17, s. 1.

Parents and guardians of certain minors not to control their custody in certain cases except on order.

**8.** All wages reserved by any indenture or otherwise to be paid for the service of any Minor shall, if not payable to the parent, be either payable to the Minor or to some person for the benefit of the Minor.

Wages of Minors.

**9.** If the Master of the Apprentice die, the Apprentice if a male, shall by act of law, be transferred to the person (if any) who continues the establishment of the deceased; and such person shall hold the Apprentice upon the same terms as the deceased if alive would have done. C. S. U. C., c. 76, s. 5, amended.

If the master die, apprentice to be transferred to his successor in the business.

**10.** A Master may transfer his Apprentice, with his consent, to any person who is competent to receive or take an Apprentice, and who carries on the same kind of business. C. S. U. C., c. 76, s. 6, amended.

Apprentices may be transferred.

**11.** Every Master shall provide to his Apprentice, during the term of his apprenticeship, suitable board, lodging, and clothing, or such equivalent therefor as is mentioned in the indenture, and shall also properly teach and instruct him, or cause him to be taught and instructed, in his trade or calling. C. S. U. C., c. 76, s. 7.

Duties of masters towards apprentices.

Duty of apprentices.

**12.** Every Apprentice shall during the term of his Apprenticeship faithfully serve his Master, shall obey all his lawful and reasonable commands, and shall not absent himself from his service, day or night, without his consent. C. S. U. C., c. 76, s. 8.

#### COMPLAINTS.

Alteration in mode of payment of wages upon application for the purpose.

**13.** A Judge of the County Court or a Police Magistrate, upon complaint made by any Minor bound as aforesaid, or by any person on his or her behalf, or by the person to whom an Apprentice is bound, may alter the mode in which payment of wages is to be made, by directing payment to the Apprentice, or to some other person, in lieu of the manner set out in the indenture ; or may, upon proof of gross misconduct or neglect of duty annul the indenture of Apprenticeship or of service, and may compel the person in whose possession, power, custody or control the indenture is, to produce and deliver the same in Court, in order to have the indenture cancelled, or to have the order varying the indenture endorsed thereon, as the case may require.

Indenture may be annulled for misconduct of master.

Committal for refusing to produce Indenture.

**14.** A County Court Judge or Police Magistrate may, after allowing a reasonable time for production and delivery, issue a warrant for the imprisonment of the person in default, for any term not exceeding six months, unless the indenture or instrument be previously produced and delivered for the purpose aforesaid.

Emancipation from authority of guardian.

**15.** A Judge of the County Court or Police Magistrate, upon complaint of any minor over whom a person has been appointed guardian under the second section of this Act or of any person on behalf of the Minor, and upon proof of gross misconduct or neglect of duty on the part of the guardian, may emancipate the minor from the authority of the said guardian.

Cancellation of indenture of apprenticeship or appointment of guardian.

**16.** A Judge of the County Court in any case, and a Police Magistrate in case the apprenticing of a child or the appointment of a guardian under this Act has not been by the parent of the child, may, on the application of either the parent or child, cancel the indenture of apprenticeship, if satisfied that the same was injudiciously or improperly entered into; or cancel the appointment of a guardian, and restore the child to the parent, if satisfied that the parent is a fit and proper person to take charge of the child; and in case such cancellation of the guardianship is on the application of the parent, the authority of the parent shall revive as if no guardian had been appointed.

Justices may hear and determine complaints by apprentices against their masters.

**17.** Any Justice of the Peace or Police Magistrate, on complaint made before him on oath by an Apprentice against his Master for refusing necessary provisions, or for misusage, cruelty or ill-treatment, may cause the Master to appear

appear before him to answer the complaint, and shall thereupon, hear and determine the complaint, and on conviction may levy on the offender a fine not exceeding twenty dollars, and issue a warrant of distress to collect the same and the costs, and in default of satisfaction of the distress, may direct the offender to be imprisoned in any common gaol for a term not exceeding one month, unless the fine and costs be sooner paid. C. S. U. C., c. 76, s. 9.

**18.** Any Justice, or Police Magistrate, may also, on complaint of a Master against an Apprentice for refusing to obey his commands, or for waste or damage to property, or for any other improper conduct, cause the Apprentice to appear before him, and shall hear and determine the complaint, and on conviction order the Apprentice to be imprisoned in a common gaol or house of correction for a term not exceeding one month. C. S. U. C., c. 76, s. 10.

And complaints by masters against their apprentices

**19.** In case an Apprentice absents himself from his Master's service or employment before the time of his Apprenticeship expires, he may at any time thereafter, if found in Ontario, be compelled to serve his Master for so long a time as he so absented himself, unless he make satisfaction to his Master for the loss sustained by such absence. C. S. U. C., c. 76, s. 11.

Liability of apprentice deserting his master's service.

**20.** In case an Apprentice refuses to serve as above required or to make such satisfaction to his Master, or to obey the lawful commands of his Master, or in any other way refuse or neglect to perform his duty to his Master, and if the Master, or his overseer or agent, complains on oath to a Justice of the Peace, or Police Magistrate, either in the county, city or town where the Master resides, or in any county, city or town where the absconding Apprentice is found, such Justice, or Police Magistrate may cause the Apprentice to be summoned to appear or be apprehended and brought before him, or before some other Justice of the Peace; and such Justice, upon hearing the complaint, shall determine what satisfaction shall be made by the Apprentice to the Master; In case the Apprentice do not give or make such satisfaction immediately, or in case the satisfaction be of such a nature as not to admit of immediate performance, if he do not give sufficient security to make such satisfaction, then the Justice, or Police Magistrate may commit the Apprentice to the common gaol, or house of correction of the county, city or town, for any time not exceeding three months; and such imprisonment shall not release the Apprentice from the obligation to make up the lost time to the Master. C. S. U. C., c. 76, s. 12.

How complaints may be heard.

Committal of apprentice in certain cases, &c.

**21.** Where the Apprentice has not left Ontario, or having left Ontario, has returned thereto, the Master shall not proceed against the Apprentice under this Act, except within three years next after the expiration of the term for which the Apprentice contracted

Limitation of proceedings against absconding apprentice.



contracted to serve, or next after his return, as the case may be. C. S. U. C., c. 76, s. 13.

Penalty for employing or harbouring absconding apprentices.

**22.** Any person who knowingly harbours or employs an absconding Apprentice, shall pay to the Master of the Apprentice the full value of the Apprentice's labour; and such value shall be what the Master would have received from the labour and service of the Apprentice if he had continued faithfully in his Master's service; and the Master may recover the same in any Court having jurisdiction where the Apprentice has been employed, or where the Master resides. C. S. U. C., c. 76, s. 14.

Indenture may be avoided if apprentice become insane, a convict or absconds.

**23.** If an Apprentice become insane, or is convicted of a felony, or is sentenced to the Provincial Reformatory, or to the Penitentiary, or abscond, his Master may, within one month thence next ensuing, but not afterwards, avoid the indenture of Apprenticeship, from the time he gives notice in writing of his intention to do so to the other parties to the indenture, either by serving them with the notice or a copy thereof, or by inserting the same in the *Ontario Gazette*, or in a newspaper of the county or city where the Master's establishment is situated. C. S. U. C., c. 76, s. 15.

Act not to affect jurisdiction of General Sessions.

**24.** The Court of General Sessions shall have a concurrent primary jurisdiction over offences committed against this Act. and shall also have authority to make any order which under this Act may be made by a Judge of the County Court. C. S. U. C., c. 76, s. 17.

Costs.

**25.** The Court of General Sessions, Judge, Police Magistrate or Justice, may, on any complaint or other proceeding under this Act, make such order as to payment of costs as may appear just.

Application of fines.

**26.** All fines imposed and collected under this Act shall be paid to the treasurer of the local municipality where the offence was committed. C. S. U. C., c. 76, sec. 19.

#### APPEALS.

Appeal to Judge of Superior Court in Chambers.

**27.** Either party may, except as to matters provided for in the next section, appeal to the Court of General Sessions from the decision of a Justice, or Police Magistrate under this Act in manner provided for in cases of summary conviction; and the said Court, where called upon to adjudicate upon an appeal in any matter under this Act, may make the like order as it might have made, had the complaint been brought before it in the first instance. *Vide* C. S. U. C., c. 76, ss. 16 and 18.

Appeal to a Judge of Superior Court in Chambers.

**28.** There shall be an appeal to any Judge of the Superior Court in Chambers from any order made by a Court of General Sessions, County Court Judge, or a Police Magistrate, cancelling or varying an indenture of apprenticeship, or cancelling the appointment



appointment of a guardian; which appeal shall be by summary petition, a copy whereof shall be served upon the opposite party within ten days from the day upon which judgment is rendered, unless a judge of one of the Superior Courts, or the Clerk of the Crown and Pleas of the Court of Queen's Bench, or the Referee in Chancery allow further time; and the petition shall be returnable upon the tenth day after the day of service thereof, the judge, clerk or referee aforesaid, in granting further time may impose such terms as to further evidence, costs and otherwise as he shall see fit, the adjudication on the appeal shall be by the judge only.

Proceedings  
on appeal.

**29.** Such judge, upon consideration of the evidence taken upon the hearing, (a certified copy whereof shall be produced before him,) and such further evidence aforesaid (if any) may make such order in the premises, and as to costs and otherwise, as he may consider fitting; or before adjudication upon the appeal, he may in his discretion permit further evidence, either written or oral, to be adduced upon such terms as he considers just.

Order  
Judge

further evi-  
dence.

**30.** The Lieutenant Governor in Council may authorize any charitable society, incorporated or unincorporated, to exercise for a limited time or otherwise, the powers conferred by this Act, and may revoke or suspend any Order in Council made for that purpose, and after such revocation such society shall not possess the authority to exercise such powers unless and until again authorized by Order in Council.

Charitable  
societies may  
be authorized  
to exercise  
powers under  
this Act.

## CAP. XX.

An Act to amend "The Mechanics' Lien Act of 1873."

[Assented to 21st December, 1874.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** In this Act the term "contractor" means a person contracting with or employed directly by the owner for the doing of work or placing or furnishing of machinery or materials for the purposes mentioned in the second section of this Act; the term "sub-contractor" means a person not contracting with or employed directly by the owner for the purposes aforesaid, but contracting with or employed either mediately or immediately by a person so contracting with or employed by the owner; and the term "owner" extends to and includes a person having any estate or interest, legal or equitable, in the lands upon

Interpretation  
of words "con-  
tractor," "sub-  
contractor,"  
"owner."

or

or in respect of which the work is done, or materials or machinery are placed or furnished, at whose request and upon whose credit or on whose behalf or with whose privity or consent or for whose direct benefit any such work is done, or materials or machinery placed or furnished, and all persons claiming under him, whose rights are acquired after the work in respect of which the lien is claimed is commenced, or the materials or machinery furnished have been commenced to be furnished.

Mechanics and  
others to have  
liens for con-  
structing, &c.

**2.** Every Mechanic, Machinist, Builder, Miner, Labourer, or other person doing work upon or furnishing materials to be used in the construction alteration or repair of any building or erection, or erecting furnishing or placing machinery of any kind in, upon, or in connection with any building, erection or mine shall by virtue of being so employed or furnishing, have a lien or charge for the price of such work, machinery or materials, upon such building, erection or mines and the lands occupied thereby or engaged therewith, and limited in amount to such sum as shall be justly due to the person entitled to such lien. •

Upon what  
property the  
lien shall  
attach.

Proviso.

**3.** Such lien shall attach upon the estate and interest legal or equitable of the owner in the building, erection or mine upon or in respect of which the work is done, or the materials or machinery placed or furnished, and the land occupied thereby or enjoyed therewith; Provided always, that in case the lien is claimed by a sub-contractor, the amount to be claimed in respect thereof shall be limited to the amount payable to the contractor or sub-contractor (as the case may be) for whom the work has been done, or materials or machinery have been furnished or placed, and shall not in any case attach upon such estate and interest, so as to make the same or the owner thereof liable to the payment of any greater sum than the sum payable by such owner to the contractor.

Mortgaged  
lands.

**4.** In case the land upon or in respect of which the work is done or materials or machinery are placed, is encumbered by a mortgage or other charge existing or created before the commencement of the work or of the placing of the materials or machinery upon the land, such mortgage or other charge shall not have priority over the lien to any greater extent than the sum by which the selling value of the land, with such work, materials or machinery thereon, exceeds the sum by which such selling value thereof has been actually increased by the improvement caused thereby.

Payments  
made before  
notice of claim  
of lien.

**5.** All payments made in good faith by the owner to the contractor, or by the contractor to the sub-contractor, or by one sub-contractor to another sub-contractor, before notice in writing by the person claiming the lien shall have been given to such owner, contractor or sub-contractor (as the case may be), of the claim of such person, shall operate as a discharge *pro tanto*

*tanto* of the lien created by this Act; Provided always, that this section shall not apply to any payment made for the purpose of defeating or impairing a claim to a lien existing or arising under this Act.

6. In case a claim is made by a sub-contractor in respect of a lien to which he is entitled, and a dispute arises as to the amount due or payable in respect thereof, the same shall be settled by arbitration; one arbitrator shall be appointed by the person making the claim, one by the person by whom he shall have been employed, and the third arbitrator shall be appointed by the two so chosen: the decision of the arbitrators or a majority of them shall be final and conclusive.

Disputed claims to be referred to arbitration.

7. In case either of the parties interested in any such dispute refuse or neglect after notice in writing requiring him to do so, to appoint his arbitrator, or if the two arbitrators appointed fail to agree upon a third, the appointment may be made by the Judge of the County Court of the county in which the lands in respect of which the lien is claimed are situate.

Refusal to appoint arbitrator.

8. In case the person primarily liable to the person entitled to the lien fails to pay the amount awarded within ten days after the award is made, the owner, contractor or sub-contractor may pay the same out of any moneys due by him to the person primarily liable as aforesaid, on account of the work done or materials or machinery furnished or placed in respect of which the indebtedness arose; and such payment if made after an award shall in all cases, or if made without any arbitration having been previously had or dispute existing, then, if the indebtedness in fact existed, and to the extent thereof, operate as a discharge *pro tanto* of the moneys so due as aforesaid to the person primarily liable.

Failure to pay amount awarded.

9. Where there are several liens under this Act against the same property, each class of the lien-holders shall rank *pari passu* for their several amounts, and the proceeds at any sale shall be distributed amongst them *pro rata*, according to their several classes and rights, and they shall respectively be entitled to execution for any balance due to them respectively after said distribution.

Several liens.

10. When the amount of the claims in respect of any lien are within the jurisdiction of the County or Division Courts respectively, proceedings to recover the same according to the usual procedure of the said court by judgment and execution, may be taken in the proper Division Court or the County Court of the county in which the land charged is situate; or proceedings may be taken before the judge of the said courts, who may proceed in a summary manner by summons and order, and may take accounts and make requisite enquiries, and in default of payment may direct the sale of the estate and interest charged at

Procedure, execution, &c., in Division and County Courts.



Conveyance  
under seal of  
County Court  
Judge to be  
effectual to  
pass estate.  
Fees.

at such time as the same can be sold under execution, and such further proceedings may be taken for the purpose aforesaid as the judge may think proper in his discretion; and any conveyance under his seal shall be effectual to pass the estate or interest sold; and the fees and costs in all proceedings taken under this section shall be such as are payable in respect of the like or similar matters according to the ordinary procedure of the said courts respectively.

Procedure in  
Chancery.

**11.** In other cases the Lien may be realised in the Court of Chancery according to the ordinary procedure of that Court.

Death of lien-  
holder.

**12.** In the event of the death of the lien-holder his right of lien shall pass to his personal representatives, and the right of a lien-holder may be assigned by any instrument in writing.

Suits by lien  
holders.

**13.** Any number of lien-holders may join in one suit, and all suits brought by a lien-holder shall be taken to be brought on behalf of all the lien-holders of the same class; and in the event of the death of the plaintiff therein, or his refusal or neglect to proceed therewith, may, by leave of the court in which the suit is brought, on such terms as may be deemed just and reasonable, be prosecuted and continued by any other lien-holder of the same class.

When lien  
shall cease.

**14.** Every lien shall absolutely cease to exist after the expiration of thirty days after the work shall have been completed, or materials or machinery furnished, unless in the meantime proceedings shall have been instituted to realize the claim under the provisions of this Act, and a certificate thereof is duly registered in the registry office of the city, county or riding wherein the lands in respect of which the lien is claimed are situate.

The Courts  
may order  
sale.

**15.** The said judge or court in their discretion, may also direct the sale of any machinery and authorize its removal.

Property af-  
fected by the  
lien not to be  
removed.

**16.** During the continuance of any lien no portion of the property affected thereby or the machinery therein, shall be removed to the prejudice of such lien; and any attempt at such removal may be restrained by application to the County Court or the judge thereof or the Court of Chancery respectively, and according as the claim is under or over the sum of two hundred dollars.

Security may  
be given in  
lieu of lien.

**17.** Upon application to the County Court or the judge thereof in claims under two hundred dollars, and to the Court of Chancery in other cases, such judge or court may receive security or payment into court in lieu of the amount of such claim, and may thereupon vacate the registry of such lien: Provided, in case the person claiming to be entitled to such lien shall have wrongfully refused to sign a certificate of discharge thereof, or shall without just cause claim a larger sum to be due than

Wrongful  
claim or re-  
fusal to dis-  
charge, costs.



than is found by such judge or court, the judge or court may order and adjudge him to pay the other party such costs as the judge or court may think fit to award.

18. Except so far as is herein otherwise provided, the provisions of the Registration of Titles (Ontario) Act shall not apply to any lien arising under the provisions of this Act. Application of the Registration Act.

19. This Act may be cited as "The Mechanics' Lien Act of 1874." Short title.

20. All Acts inconsistent with the provisions of this Act are hereby repealed. Repeal of Acts

## CAP. XXI.

An Act to amend the Act respecting Benevolent, Provident and other Societies.

[Assented to 21st December, 1874.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The Act passed in the thirty-seventh year of the reign of Her Majesty, and intituled an Act respecting Benevolent, Provident and other Societies, is hereby amended by striking out the word "incorporated" in the first line of the sixth section of the said Act, and substituting "unincorporated" in lieu thereof. Benevolent and Provident Societies Act amended.

## CAP. XXII.

An Act respecting Official Securities, given for the protection of private persons.

[Assented to 21st December, 1874.]

HER Majesty, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows :

1. Whenever a Sheriff, Registrar, Division Court Clerk, Bailiff or any other public officer, is required to give security for the performance of his duties, or other security of a like nature, and which security inures for the benefit of any person injured Public Officers may be guaranteed by certain public Companies.

jured by the default or misconduct of such officer, the Lieutenant-Governor in Council may, by order in Council, direct that the bond or policy of guarantee of any incorporated or Joint Stock Company empowered to grant guarantees, bonds or policies for the integrity and faithful accounting of public officers, or other like purposes, and named by such order in Council, may be accepted as such security, upon such terms as shall be determined by the Lieutenant-Governor in Council; and the provisions of law, with reference to the legal effect of such securities when given by individuals, and to the mode of proceeding thereon shall apply to the security given by every such Company.

### CAP. XXIII.

An Act to make further provision respecting Letters Patent to Joint Stock Companies.

[Assented to 21st December, 1874.]

**H**ER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Subsisting companies may apply for Letters Patent with extended powers.

1. Where a subsisting Company applies for the issue of Letters Patent under the provisions of the sixtieth section of the "Ontario Joint Stock Companies' Letters Patent Act, 1874" the Lieutenant-Governor may by the Letters Patent extend the powers of the Company to such other objects within the scope of the said Act as the applicants may desire, and as the Lieutenant-Governor may think fit to include in the Letters Patent, and may by the said Letters Patent name the first directors of the new Company, and the Letters Patent may be to the new Company by the name of the old Company or by any other name.

Companies incorporated by Letters Patent may obtain certain changes

2. A Company incorporated under the said Act may by by-law increase or decrease the number of its directors, or may change the Company's chief place of business in Ontario; provided that no by-law for either of the said purposes shall be valid or acted upon unless it is sanctioned by a vote of not less than two-thirds in value of the shareholders present, in person or by proxy, at a general meeting duly called for considering the by-law, nor until a copy of such by-law has been certified under the seal of the Company to the Provincial Secretary, and also has been published in the *Ontario Gazette*.

Certain Informalities not to invalidate Letters.

3. The provisions of the said Act, relating to matters preliminary to the issue of the Letters Patent, shall be deemed directory

directory only; and no Letters Patent issued under the said Act shall be held void or voidable, on account of any irregularity in any notice prescribed by the said Act, or on account of the insufficiency or absence of any such notice, or on account of any irregularity in respect of any other matter preliminary to the issue of such letters patent.

4. The insertion in the *Gazette* of a notice that an application would be made for incorporation, or the signing of a declaration of the proposed association shall be deemed sufficient to constitute a pending application for incorporation within the meaning of sub-section three of section fifty-nine of the said Act.

What shall be deemed a pending application under s. 59, cl. 3.

5. Where a company incorporated under the said Act is desirous of adopting another name, the Lieutenant-Governor in Council, upon being satisfied that the change desired is not for any improper purpose, may direct the issue of supplementary Letters Patent reciting the former Letters Patent, and changing the name of the company to some other name set forth in the Supplementary Letters Patent.

Change of name.

## CAP. XXIV.

### An Act respecting the Central Prison.

[Assented to 21st December, 1874.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The Lieutenant-Governor may appoint a Central Prison Bailiff or Central Prison Bailiffs, who shall be employed for the purpose of conveying prisoners from any gaol or other place in which they may be in custody, to the Central Prison or from the Central Prison to any other place to which they may be lawfully removed, and in the performance of such other duties as may be assigned to him or them by the Inspector of Prisons.

Appointment of Central Prison Bailiffs.

2. The following fees may be paid to sheriffs and gaol surgeons for services in connection with offenders sentenced, or liable to be removed, or sentenced to the Central Prison.

Sheriffs and Gaol Surgeons fees.

#### TO SHERIFFS:

For making special return of prisoners sentenced to Central Prison, and of such prisoners eligible for removal to Central Prison, as the Inspector may direct (each prisoner).

\$1 00

No

No more than \$5 to be allowed for any one return, and each return must cover all prisoners in gaol when the same is made.

Certified copy of sentence. - - - - - \$0 50

Taking prisoner to railway station, to be delivered to Central Prison Bailiff, in addition to other necessary expenses incurred in such duty. - - - - - 1 00

#### TO GAOL SURGEONS:

Examination of each prisoner eligible for removal or sentenced to Central Prison, including certificate. - - - 1 00

### CAP. XXV.

#### An Act to amend The Ontario Drainage Act of 1873.

[Assented to 21st December, 1874.]

**H**ER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

36 Vic., c. 38,  
s. 32, amended

The case of  
assessment roll  
not being re-  
vised, or left  
off the roll.

How the  
owner of land  
assessed may  
discharge it  
from the rent  
charged.

Certificate of  
discharge.

1. The following sections shall be added as sub-sections to section thirty-two of "The Ontario Drainage Act of 1873."

2. If the assessment roll is not finally revised in time to place the instalment of rent-charge payable for the current year in the collectors' roll, or if for any cause it be left off the roll for that year, then such instalment with five per cent. added thereto shall, in addition to the instalment for such year, be placed in the collectors' roll for the following year;

3. The owner of any parcel or lot assessed for such drainage works may, within one month from the time that the assessment roll has been finally revised, discharge his parcel or lot from the rent-charge by paying to the Treasurer of the municipality the amount assessed against such parcel or lot; and thereafter in case all rents placed upon the collectors' roll have been duly paid, may discharge the same by paying to the Treasurer the amount of such assessment less two forty-fifths thereof, if one year's rent has been paid, and less four forty-fifths thereof, if the rent for two years has been paid, and in like manner deducting from the amount of the assessment two forty-fifths thereof for each year's rent that has been paid;

4. Upon receiving payment of the amount required in order to discharge any parcel or lot, the Treasurer shall make out in duplicate a certificate (to which the Clerk shall affix the seal of the municipality) to the effect or in the form following:—

"I, A. B. Treasurer of the Township of G. in the County of X.  
do hereby certify that the sum of \$            was in            18             
"assessed



“assessed against lot        in the        concession of the  
 “said township on account of drainage works under an assess-  
 “ment roll deposited with the registrar of the County of X. on  
 “the        day of        18        . That a rent-charge of  
 “\$        per annum has been paid in respect of such assess-  
 “ment for        years, and the sum of \$        is now paid by  
 “C. D. in discharge of the rent-charge imposed on account of  
 “the said assessment, and the said lot is therefore discharged  
 “therefrom;”

5. The Treasurer shall retain one of such certificates and de- Treasurer's  
duty as to dis-  
charges and  
remittances.  
 liver the other to the person paying off the charge, and with  
 the next remittance in respect of rent-charges made by him to  
 the Treasurer of Ontario shall remit the amounts received by  
 him for the purpose of paying off any rent-charges, and shall  
 transmit therewith the duplicate certificates of discharge retained  
 by him;

6. Upon the production of a certificate of discharge under the Registry o-  
discharge.  
 corporate seal of the municipality, the Registrar shall number  
 and file the same, and upon the line on which such parcel or lot  
 is entered upon the assessment roll shall write “Discharged by  
 No.        ” (giving the registry number of the discharge;)

7. The Treasurer for making out such discharge in duplicate Fees  
 and the Registrar for registering the same shall be each entitled  
 to charge a fee of fifty cents.

2. This Act shall be construed to apply to the assessment Act to apply  
to charges for  
current and  
future years.  
 for any rent-charge, to be made in the now current year as well  
 as in any year hereafter.

## CAP. XXVI.

### An Act respecting Ditching Water-courses.

[Assented to 21st December, 1874.]

HER Majesty, by and with the advice and consent of the  
 Legislative Assembly of the Province of Ontario, enacts  
 as follows:

1. The Act chaptered fifty-seven of the Consolidated Statutes C. S. U. C., c.  
57, and 32 V.,  
c. 46, repealed.  
 for Upper Canada, and the Act chaptered forty-six of the  
 Statutes of the said Province of Ontario, passed in the thirty-  
 second year of Her Majesty's reign, and all Statutes and parts  
 of Statutes and Acts in force in the Province of Ontario respect-  
 ing the subject provided for in this Act, are repealed.

2. This Act shall not affect the Acts relating to Municipal Certain Acts  
not affected by  
this Act.  
 Institutions or the Acts respecting drainage of land, as this Act  
 is

is intended to apply to individual, and not to public or local interests, rights, or liabilities.

Owners to construct ditches in certain proportions.

3. In case of owners occupying adjoining lands which would be benefited by making a ditch or drain, or by deepening or widening a ditch or drain already made in a natural water-course, or by making, deepening or widening a ditch or drain for the purpose of taking off surplus water from swamps or low miry land, in order to enable the owners or occupiers thereof to cultivate the same, such several owners shall open and make, deepen or widen a just and fair proportion of such ditch or drain, according to their several interests in the construction of the same; and such ditches or drains shall be kept and maintained so opened, deepened or widened, by the said owners respectively, and their successors in such ownership, in such proportions as they shall have been so opened, deepened or widened, unless in consequence of altered circumstances the fence-viewers hereinafter named shall otherwise direct, which they are hereby empowered to do upon application of any party interested, in the same form and manner as is hereinafter prescribed in respect of the original opening, deepening or widening, provided that in case the fence-viewers find no reason for such application, all costs caused thereby shall be borne by the applicant.

Disputes to be referred to fence-viewers.

4. In case of dispute between owners respecting such proportion, the following proceedings shall be adopted:—

Either owner may notify the other owner or the occupant of the land of the owner so to be notified, that he will, not less than one week from the service of such notice, cause three fence-viewers of the locality to arbitrate in the premises: Such owner so notifying shall also notify the fence-viewers not less than one week before their services are required: The notices in both cases shall be in writing, signed by the person notifying, and shall specify the time and place of meeting for the arbitration, and may be served by leaving the same at the place of abode of such owner or occupant, with some grown-up person residing thereat, or in case of a non-resident, by leaving such notice with any agent of such owner: The owner notified may, within the week, object to any or all of the fence-viewers notified; and in case of disagreement the judge hereinafter mentioned shall name the fence-viewers who are to arbitrate.

Duties of fence-viewers.

5. The fence-viewers shall examine the premises, and if required by either party, they shall hear evidence, and are authorized to examine the parties and their witnesses on oath, and any one of them may administer the oath or an affirmation as in courts of law.

Award.

6. The fence-viewers shall make an award in writing, signed by any two of them, respecting the matters so in dispute: The award shall specify the locality, quality, and description and cost

cost of the ditch or drain it orders to be made, and the time within which the work shall be done; and the award shall state by which of the said parties the costs of the proceedings shall be paid, or whether either party shall pay some proportion of such costs; and in making such award the fence-viewers shall regard the nature of the ditches or drains in use in the locality, and generally the suitability of the ditch or drain ordered to the wants of the parties; and the fence-viewers may, if they think necessary, employ a Provincial land surveyor for the purpose of taking levels, or of making a plan for the parties to follow in making the ditch or drain, or for other purposes; Provided that if the cost of the ditch or drain exceed the cost as estimated by the fence-viewers, the same fence-viewers may be again notified in the same manner herein provided, and shall attend, and, if they see fit, make a supplementary award respecting such costs, which award shall have the same effect, and may be dealt with in all respects as if it were part of the first award.

7. The award and any plan made as above provided for, shall be deposited in the office of the clerk of the municipality in which the lands are situate, and the award and plan are declared to be official documents, and may be given in evidence in any legal proceedings by certified copies, as are other official documents, and notice of their being made shall also be given to all parties interested.

Award to be deposited with Clerk of Municipality.

8. The award may be enforced as follows: the person desiring to enforce it, provided the work is not done within the time specified by the award, may do the work which the award directs, and immediately recover its value and the costs from the owner by action in any division court having jurisdiction in the locality: Provided always, that the judge of such division court may, on application of either party, extend the time for making such ditch to such time as he may think just.

Enforcing award.

9. The award shall constitute a lien and charge upon the lands respecting which it is made when it is registered in the registry office of the county or riding in which the lands are: Such registration may be in duplicate or by copy, proved by affidavit of a witness to the original, or otherwise, as in the case of any instrument which is within the meaning of the Acts respecting registration of deeds of lands.

Award to be a lien on the land.  
Registration of award.

10. In case any municipal corporation would be benefited by the construction of such ditch or drain, such corporation shall be in the same position as an individual owner under this Act.

Liabilities of municipal corporations.

11. In case any person during or after the construction of the ditches or drains herein provided for, desire to avail himself of such ditches or drains for the purpose of draining other lands

Persons desiring to use ditches or drains after construction.

lands than those contemplated by the original proceedings, he may avail himself of the provisions of the Act, as if he were or had been a party to such original proceedings; but no person shall make use of the ditches or drains constructed under the provisions of this Act unless under agreement or award pursuant to its provisions as to use of the land of others, enlargement of the original ditch or drain, so as to contain additional water therein, and the time for the completion of such enlargement.

Occupants to  
notify owners.

**12.** An occupant, not the owner of land, notified in the manner above mentioned, must immediately notify the owner; if he neglect so to do he is liable for all damage caused to the owner by such neglect.

Fence-viewers  
and witnesses'  
fees.

**13.** The fence-viewers are entitled to receive two dollars for every day's work under this Act: Provincial land surveyors and witnesses are entitled to the same compensation as if they were subpoenaed in any division court.

Appeal.

**14.** Any person dissatisfied with the award made may appeal therefrom to the judge of the county court of the county in which the lands are situate; for such appeal the proceedings shall be as follows: The appellant shall serve upon the fence-viewers and all parties interested, a notice in writing of his intention to appeal, not less than one week from the time he has been notified of the award: Such notice may be served as other notices mentioned in this Act: The appellant must also deliver a copy of such notice to the clerk of the division court of the division in which the land, or a portion thereof lies, which clerk shall immediately notify the judge of such appeal, whereupon the judge shall appoint a time for the hearing thereof, and, if he think fit, order such sum of money to be paid by the appellant to the said clerk as shall be a sufficient indemnity against costs of the appeal, and the judge shall order the time and place for the hearing of the appeal, and communicate the same to the clerk, who shall notify the fence-viewers and all parties interested, in the manner hereinbefore provided for the service of other notices under this Act: And the judge shall hear and determine the appeal, and set aside, alter, or affirm the award, correcting any error: He may examine parties and witnesses on oath, and, if he so please, inspect the premises: He may order payment of costs by either party, and fix the amount, and his decision shall be final; and the award, as so altered or confirmed, shall be dealt with in all respects as it would have been if it had not been appealed from.

Agreements as  
to ditches may  
be registered  
and enforced.

**15.** Any agreement between owners respecting such ditch in writing, may be filed or registered, and enforced as if it was an award of the fence-viewers.

Forms.

**16.** The forms in the schedule are to guide the parties, being varied according to circumstances.



17. This Act is not to affect any proceedings under former Acts. Former proceedings not affected.

18. This Act may be cited in any proceeding or document, as the "Act respecting Ditching Watercourses." Title.

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### SCHEDULE A.

#### NOTICE TO OPPOSITE PARTY.

Take notice, that Mr. \_\_\_\_\_, Mr. \_\_\_\_\_ and Mr. \_\_\_\_\_, three fence-viewers of this locality, will attend on the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 18\_\_\_\_ at the hour of \_\_\_\_\_ to view our properties, being lots *one* and *two* in the \_\_\_\_\_ Concession of the Township of \_\_\_\_\_ in the County of \_\_\_\_\_, and arbitrate respecting the ditch in dispute upon our said lots.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 18\_\_\_\_

A. B.,  
Owner of lot 1.

To C. D.,  
Owner of lot 2.

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### SCHEDULE B.

#### NOTICE TO FENCE-VIEWERS.

Take notice that I require you to attend at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 18\_\_\_\_ at \_\_\_\_\_ o'clock, to view my property, and that of Mr. \_\_\_\_\_ being lots Nos. *one* and *two* in the \_\_\_\_\_ Concession of the Township of \_\_\_\_\_, in the County of \_\_\_\_\_, and arbitrate on the ditch required on said lots.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 18\_\_\_\_

A. B.,  
Owner of lot 1.

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### SCHEDULE C.

#### AWARD.

We, the Fence-Viewers of the locality, having been nominated to view and arbitrate between (*name and description of owner who notified*) and (*name and description of owner notified,*) upon a ditch required on the property of (*name of owner notified*), which

which ditch is to be made and maintained on said property : and having examined the premises and duly acted according to the Act respecting ditching watercourses, do award as follows : A ditch shall be made and maintained by the said commencing at (*state point of commencement and then give course and point of ending*). The ditch shall be of the following description (*state kind of ditch, depth, width, &c., if a plan has been made by Provincial land surveyor, describe course, kind of ditch, &c. by reference to plan*). The work shall be commenced within        days, and completed within        days from this date ; and the costs shall be paid (*state by whom to be paid, and if by both, in what proportion.*)

Dated this        day of        A.D. 18

Witness :        (Signature of Fence-Viewers.)

### SCHEDULE D.

#### AGREEMENT.

We        and       , owners respectively of lots *one* and *two* in the        Concession of the Township of        in the County of        do agree that a ditch shall be made and maintained by us as follows (*follow same form as in award*).

Dated this        day of        A.D. 18

Witness :        (Signature of Parties.)

### CAP. XXVII.

#### An Act to amend the Act respecting the Improvement of Water Privileges.

[Assented to 21st December, 1874.]

#### Preamble.

**W**HEREAS it is expedient to amend the Act passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, chaptered forty, and intituled "An Act for the Improvement of Water Privileges : "

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

2. The following shall be substituted for section one of the said Act :

1. Any person desiring to use or improve any Water Privilege, of which, or a part of which he may at such time be the owner or legal occupant, for any mechanical, manufacturing, milling or hydraulic purpose, by erecting a dam and creating a pond of water ; increasing the head of water in any existing pond, or extending the area thereof ; diverting the waters of any stream, pond or lake into any other channel or channels ; constructing any raceway, or other erection or work which he may require in connection with the improvement and use of the said privilege ; or by altering, renewing, extending, improving, repairing or maintaining any such dam, raceway, erection, or work, or any part thereof, shall have the right to enter upon any lands which he may deem necessary to be examined, and to make an examination and survey of the same, doing no unnecessary damage in performing such work, and paying the actual damage done if any ; and shall, if he obtain authority as hereinafter provided, be at liberty to take, acquire, hold and use such portions of the said lands so examined as he may deem expedient for the completion, improvement or maintenance of the water privilege and works in connection with the same ;

Rights of persons to enter and acquire lands for improving water privileges.

2. In addition to any other notice which the Judge shall direct to be given upon any application under this or the said Act, public notice of such application stating the time when the same is to be heard, shall be inserted in a newspaper published in the county or one of the counties where the proposed works are to be erected, or any of the lands affected are situate, for such period as the Judge shall direct ;

Public notice of application

3. An occupied mill privilege or water power or mill lawfully existing within the meaning of this Act and the Act passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, and chaptered forty, shall mean a mill privilege, water power, or mill which has been or is in use for mechanical manufacturing, milling or hydraulic purposes, or for the use of which for any of such purposes the necessary works are *bona fide* in course of construction : Provided, that the owners of any privilege water power or mill having been but not being in actual use for such purposes, at the time of an application to the County Judge under the said Acts, and claiming to be the owner of an occupied mill privilege or water power, or mill lawfully existing, shall upon the application of any person who desires to obtain and exercise the powers mentioned in the said Acts, produce before the said County Judge, satisfactory evidence that the same is held *bona fide* as such privilege, water power or mill, and is intended to be used again for mechanical, manufacturing, milling or hydraulic purposes ; but in the event of such evidence not being produced or not being satisfactory, such original privilege water power or mill shall not be deemed to be an occupied mill privilege, water power, or mill lawfully existing within the meaning of the said Acts : Provided further, that the said County Judge in the event of finding that the

Meaning of occupied mill privilege, &c.

Evidence on application to the judge against owner of privilege not in actual use, as to user and intent.

same

same is so held *bona fide*, may fix and limit a time within which the necessary works for the actual use of such privilege, water power, or mill, for the purposes for which the same are claimed shall be constructed, and such privilege, water power or mill actually used ;

The ease of  
two claiming  
the powers  
under this Act.

4. In case two or more persons claim to exercise the powers conferred by the said Acts in respect of the same water privilege or any part thereof, the County Judge may impose such terms as he may deem just, and limit a time within which the person whose application he shall allow, shall construct the necessary works, and actually use such water privilege ;

Appeal.

5. Subject to the provisons hereinafter contained there shall be an appeal from the final order or judgment of the County Judge on any such application, to either of the Superior Courts of Common Law or to the Court of Chancery, or to any one of the Judges of the said Courts; but any appeal to a single Judge may in his discretion be referred (on a special case to be settled) to the Courts and on such terms in the mean time, as he may think necessary and fit ; the decision of the Judge upon any question of fact or other question shall be open to revision by the Court or Judge to which the appeal is had ;

Leave to  
appeal and  
practice.

6. Such appeal shall not be permitted without leave of one of the Judges of the said Courts, and the application for such leave shall be made within ten days from the day on which the order or judgment appealed from is made or rendered ; and the Judge to whom such application shall be made shall determine the time within which the appeal if permitted shall be set down to be heard, the security to be given by the appellants and the persons upon whom notice of the appeal shall be served and all such other matters as he may deem necessary for the most speedy and least expensive determination of the matter of the appeal ;

Non compli-  
ance with  
conditions of  
appeal an  
abandonment.

7. If such appeal shall not be set down to be heard within the time limited for that purpose, or if the other conditions imposed shall not be complied with the appeal shall be deemed to have been abandoned ;

Cost and prac-  
tice on appeal.

8. The costs of the appeal shall be in the discretion of the Judge or Court to which the appeal is had ; and the practice and proceedings upon such appeal shall, except so far as is herein or may be by the Judge to whom the application for leave is made, otherwise provided, be similar to the practice and proceedings upon appeals from County Courts ;

This Act to be  
read as part of  
36 V. c. 40.

9. This Act shall be read as part of the said recited Act.



## CAP. XXVIII.

## An Act to provide for voting by Ballot at Municipal Elections.

[Assented to 21st December, 1874.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

## PROCEEDINGS PRELIMINARY TO THE POLL.

1. In case of a poll at an election of persons to serve in Municipal Councils, the votes shall be given by ballot. Votes to be by ballot.

2. Whenever a poll is required the clerk of the municipality shall procure or cause to be procured, as many boxes (hereinafter called ballot boxes) as there are wards or electoral divisions within the Municipality ; Ballot boxes to be furnished.

2. The ballot boxes shall be made of some durable material, shall be provided with a lock and key, and shall be so constructed that the ballot paper can be introduced therein, and cannot be withdrawn therefrom unless the box be unlocked ; How made.

3. When it becomes necessary for the purposes of an election to use the ballot boxes, it shall be the duty of the clerk of the municipality, two days at least before the polling day to deliver one of the ballot boxes to every returning officer appointed for the purposes of the election ; Delivery of to returning officer

4. Within one week after the close of the election, each returning officer shall deliver the ballot box used in his ward or electoral division to the clerk of the municipality within which such ward or electoral division is situate ; and the ballot boxes delivered to the clerk shall be preserved by him for use at elections for the municipality ; and it shall be the duty of the clerk to have ready for use, at all times, as many ballot boxes as there are wards or electoral divisions in the municipality ; Delivery to clerk for future elections.

5. If the clerk fail to furnish ballot boxes in the manner herein provided, he shall incur a penalty of one hundred dollars, in respect of every ballot box which he has failed to furnish in the manner prescribed ; Penalty on failure to furnish boxes.

6. It shall be the duty of the returning officer in every ward or electoral division not supplied with a ballot box within the time prescribed, forthwith to procure one to be made, and he may issue his order upon the treasurer of the municipality in which such ward or electoral division is situate for the costs of the ballot box, and the treasurer shall pay to the returning officer the amount of the order. Returning officers may procure boxes.

3. Where a poll is required, the clerk of the municipality shall forthwith cause to be printed at the expense of the municipality, such a number of ballot papers as shall be sufficient for the purposes of the election ; Ballot papers to be printed.

Contents and  
form of ballot  
papers.

2. Every ballot paper shall contain the names of the duly nominated candidates, arranged alphabetically in the order of their surnames; and, if there be two or more candidates with the same surname, of their other names; and the ballot papers may be according to the form of schedule A to this Act.

Compartment  
wherein voters  
may mark  
votes.

4. Every polling place shall be furnished with a compartment in which the voters can mark their votes screened from observation; and it shall be the duty of the clerk of the municipality and returning officer respectively, to see that a proper compartment for that purpose is provided at each polling place.

Clerk to fur-  
nish returning  
officers with  
ballot papers,  
&c.

5. In case of municipalities which are divided into wards or electoral divisions, the clerk of the municipality shall, before the opening of the poll, deliver or cause to be delivered to every returning officer the ballot papers, which have been prepared for use in the ward or electoral division, for which such returning officer has been appointed to act, and shall also furnish to the returning officer or see that he is furnished with the necessary materials for voters to mark the ballot papers, and such materials shall be kept at the polling place by the returning officer for the convenient use of voters.

Clerk to fur-  
nish returning  
officer with  
directions for  
voters' guid-  
ance.

6. In case of municipalities divided into wards or electoral divisions, the clerk of the municipality shall, before opening of the poll, deliver or cause to be delivered to every returning officer such a number of printed directions, for the guidance of voters in voting, as he may deem sufficient, and shall so deliver or cause to be so delivered at least ten copies of such printed directions; such directions shall be printed in conspicuous characters, and may be according to the form in schedule B to this Act.

Returning  
officers to  
placard the  
directions.

7. Every returning officer shall before the opening of the poll, or immediately after he has received such printed directions from the clerk of the municipality, if he did not receive the same before the opening of the poll, cause such printed directions to be placarded outside the polling place for which he is appointed to act, and also in every compartment of the polling place, and shall see that they remain so placarded until the close of the polling.

List of voters.

8. In case of municipalities which are divided into wards or electoral divisions, the clerk of the municipality shall, before the poll is opened, prepare and deliver to the returning officer for every or any ward or electoral division, a list in the form of schedule 'C' to this Act, containing the names, arranged alphabetically, of all male freeholders and householders rated upon the then last revised assessment roll for real property lying in that ward or electoral division to the amount required to qualify them to vote at such election, and shall attest the said list by his solemn declaration in writing under his hand; and in cities, towns, incorporated villages, and townships which have passed by-laws requiring

Persons in  
arrear for  
taxes shall be

requiring this to be done, shall exclude from such list such persons as shall have been returned to him by the treasurer, as in default for not having paid their municipal taxes respectively on or before the fourteenth day of December preceding the election.

9. In case of municipalities which are not divided into wards or electoral divisions, the clerk shall be the returning officer, and shall provide himself with the necessary ballot papers, and also with the materials for marking ballot papers, printed directions before mentioned, and a list of electors for the municipality similar to the list mentioned in the eighth section of this Act; and the clerk shall perform the like duties with respect to the whole municipality as are imposed upon returning officers in respect of a ward or electoral division.

excluded from list.

Municipality not divided into wards or electoral divisions, clerk to be returning officer.

#### THE POLL.

10. The returning officer shall, immediately before the commencement of the poll, show the ballot box to such persons as are present in the polling place, so that they may see that it is empty; and he shall then lock the box and place his seal upon it in such manner as to prevent its being opened without breaking such seal; and he shall then place the box in his view for the receipt of ballot papers, and shall keep it so locked and sealed.

Returning officers to show box empty, lock and seal it.

11. When any person claiming to be entitled to vote presents himself for the purpose of voting, the returning officer shall proceed as follows:

Conduct of Returning officer on tender of vote.

1. He shall ascertain that the name of such person is entered, or purports to be entered, upon the voters' list for the ward or electoral division for which such returning officer is appointed to act;

Name

2. He shall record or cause to be recorded in the proper columns of the voters' list, the residence and the legal addition of such person;

Recording.

3. If such person shall take the oath or affirmation required to be taken by voters in the manner directed by sections ninety-nine and one hundred of the Act respecting Municipal Institutions of the Province of Ontario, passed in the thirty-sixth year of Her Majesty's reign, and chaptered forty-eight, or any amendments to the same, the returning officer shall enter or cause to be entered, opposite such person's name in the proper column of the said voters' list, the word "sworn," or "affirmed," according to the fact;

Oath.

4. Where the vote is objected to by any candidate or his agent, the returning officer shall enter the objection, or cause the same to be entered in the voters' list, by writing opposite the name of such person, in the proper column, the words "objected to," stating at the same time by which candidate or on behalf of which candidate the objection has been made, by adding after the words "objected to" the name only of such candidate:

Objection.



Refusal to take the oath.

5. Where such person as aforesaid has been required to take the oath or affirmation, and refuses to take the same, the returning officer shall enter or cause to be entered opposite the name of such person, in the proper column of the voters' list the words "refused to be sworn," or "refused to affirm," according to the fact; and the vote of such person shall not be taken or received; and if the returning officer shall take or receive such vote or cause the same to be taken and received, he shall incur a penalty of two hundred dollars;

Returning officer to sign name on ballot paper.

6. Where the proper entries respecting the person so claiming to vote have been made in the voters' list in the manner prescribed, the returning officer shall sign his name or initials upon the back of a ballot paper;

Delivery of paper to voter.

7. The ballot paper shall be delivered to such person;

Mark to be placed on voters' list opposite voter's name. Returning officer to explain mode of voting.

8. Opposite the name of such person in the voters' list a mark shall be placed to denote that he has received a ballot paper;

9. The returning officer may, and upon request shall, either personally or through his sworn clerk explain to the voter, as concisely as possible, the mode of voting.

Voting, marking ballot paper.

12. Upon receiving from the returning officer the ballot paper so prepared as aforesaid, the person receiving the same shall forthwith proceed into the compartment provided for the purpose, and shall then and therein mark his ballot paper in the manner mentioned in the directions contained in schedule B to this Act, by placing a cross on the right hand side, opposite the name of any candidate for whom he desires to vote, thus x; and he shall then fold the ballot paper across, so as to conceal the names of the candidates, and the marks upon the face of such paper, and so as to expose the initials of the returning officer and leaving the compartment, shall, without delay, and without showing the front to any one or so displaying the ballot paper as to make known to any person the names of the candidates for or against whom he has marked his vote, deliver such ballot paper so folded to the returning officer, who shall, without unfolding the same, or in any way disclosing the names of the candidates, or the marks made by such elector, verify his own initials, and at once deposit the same in the ballot box in the presence of all persons entitled to be present and then present in the polling place; and the voter shall forthwith leave the polling place.

Exclusion from balloting compartment.

13. While any voter is in any balloting compartment for the purpose of marking his ballot paper, no other person shall be allowed to enter the compartment, or to be in any position from which he can observe the mode in which the voter marks his ballot paper.

Voter not to take his paper from polling place.

14. No person who has received a ballot paper from the returning officer shall take the same out of the polling place; and any person having so received a ballot paper, who shall leave the polling place without first delivering the same to the returning



ing officer in the manner prescribed, shall thereby forfeit his right to vote; and the returning officer shall make an entry in the voters' list, in the column for remarks, to the effect that such person received a ballot paper, but took the same out of the polling place, or returned the same, declining to vote, as the case may be, and in the latter case the returning officer shall immediately write the word "declined" upon such ballot paper, and shall preserve the same and in case of the clerk of the municipality not being the returning officer, the returning officer shall return said ballot paper to the clerk of the municipality as hereinafter directed.

**15.** In case of an application by any person claiming to be entitled to vote, who is incapacitated by blindness or other physical cause from marking his ballot paper, or in case of any person claiming to be entitled to vote who makes a declaration that he is unable to read, the proceedings shall be as follows;—

Proceedings in case of incapacity to mark paper.

1. The returning officer shall, in the presence of the agents of the candidates, cause the vote of such person to be marked on a ballot paper in manner directed by such person, and shall place the ballot paper in the ballot box;

2. The returning officer shall state or cause to be stated in the voters' list, by an entry opposite the name of such person in the proper column of the said voters' list, that the vote of such person is marked in pursuance of this section, and the reason why it is so marked;

3. The declaration of inability to read may be in the form mentioned in schedule D to this Act, and shall be made by the person claiming to be entitled to vote, at the time of the polling, before the returning officer, who shall attest the same as nearly as may be according to the form mentioned in Schedule E to this Act, and the said declaration shall be given to the returning officer at the time of voting.

**16.** A person claiming to be entitled to vote who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper, may, on delivering to the returning officer the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the returning officer, obtain another ballot paper in the place of the ballot paper so delivered up, and the returning officer shall immediately write the word "cancelled" upon such ballot paper, and preserve the same; and in case of the clerk of the municipality not being the returning officer, the returning officer shall return said ballot paper to the clerk of the municipality as hereafter directed.

Proceedings in case ballot paper cannot be used.

**17.** During the time appointed for polling no person shall be entitled or permitted to be present in any polling place, other than the officers, candidates, clerks or agents authorized to attend at such polling place, and such voter as is for the time being actually engaged in voting; Provided that it shall at all

Who may be present at polling place.

times be lawful for the returning officer to have present, or to summon to his assistance in such polling place, any police constable or peace officer for the purpose of maintaining order, or of preserving the public peace, or preventing any breach thereof, or of removing any person or persons who may, in the opinion of such returning officer, be obstructing the polling or wilfully violating any of the provisions of this Act.

Counting the  
votes.

**18.** Immediately after the close of the poll in every polling place, the returning officer shall, in the presence of the poll clerk (if any) and of such of the candidates, or of their agents, as may then be present, open the ballot box, and proceed to count the votes as follows :

1. He shall examine the ballot papers, and any ballot paper which has not on its back the name or initials of the returning officer, or on which more votes are given than the elector is entitled to give, or on which anything except the initials or name of the returning officer on the back is written or marked, by which the voter can be identified, shall be void, and shall not be counted ;

2. The returning officer shall endorse " rejected " on any ballot paper which he may reject as invalid, and shall endorse " rejection, objected to," if any objection be made to his decision ;

3. The returning officer shall then count up the votes given for each candidate upon the ballot papers not rejected, and make up a written statement, in words as well as in figures, of the number of votes given for each candidate, and of the number of ballot papers rejected and not counted by him, which shall be made under the several heads ;

- (a) Name of ward or electoral division and of the municipality and date of election ;
- (b) Number of votes for each candidate ;
- (c) Papers wanting signature or initials of returning officer ;
- (d) Papers rejected as voting for more candidates than entitled to ;
- (e) Papers rejected as having a writing or mark by which voter could be identified ;
- (f) Papers registered as unmarked or void for uncertainty ;

4. Upon the completion of such written statement, it shall be forthwith signed by the returning officer, the poll clerk, if any, and such of the candidates, or their agents, as may be present, and desire to sign such statement ;

5. No more than two agents for any candidate shall be entitled to be present at the same time at the counting of the votes.

Returning  
officers' duties  
after votes are  
counted.

**19.** Every returning officer, at the completion of the counting of votes after the close of the poll, shall, in the presence of the agents of the candidates, make up into separate packets, sealed with his own seal, and the seals of such agents of the candidate

candidate as desire to fix their seals, and marked upon the outside with a short statement of the contents of such packet, the date of the day of the election, the names of the returning officer, and of the ward or electoral division and municipality;

- (a) The statement of votes given for each candidate and of the rejected ballot papers;
- (b) The used ballot papers which have been counted;
- (c) The rejected ballot papers;
- (d) The spoiled ballot papers;
- (e) The unused ballot papers;
- (f) The voters' list; the list of votes marked by the returning officer, and a statement of the number of voters whose votes are so marked under the heads, "Physical incapacity," and "Unable to read," and the declaration of inability;

2. If the clerk of the municipality is not himself the returning officer, the returning officer shall forthwith deliver such packets personally to the clerk of the municipality; and if he be unable to do so, owing to illness or other cause, he shall deliver such packets to a person chosen by him for the purpose of delivering the same to the clerk; and shall mention on the outside of the cover of each of the packets the name of the person to whom the same had been so delivered, and shall take a proper receipt therefor;

3 The packets shall be accompanied by a statement made by the returning officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of (1) Counted; (2) Rejected; (3) Unused; (4) Spoiled; (5) Ballot papers given to voters who afterwards returned the same, declining to vote; and (6) Ballot papers taken from the polling place; which statement shall give the number of papers under each head, and is in this Act referred to as the "Ballot Paper Account;"

4. If the returning officer and one or more of the candidates or of the agents of the candidates present at the examination and counting of the ballot papers are unable to agree as to the written statement to be made by the returning officer, the packages of ballot papers shall be broken open by the clerk of the municipality, in the presence of the returning officer and such of the candidates or of their agents as may be present on the day succeeding the polling day, at an hour and place to be appointed, and of which they have been notified by the returning officer, unless the distance necessary to be travelled is such that the appointed place cannot be reached on the day following the poll, in which case a reasonable time shall be allowed, and no more, for the purpose of coming before the clerk of the municipality; and the clerk of the municipality, after examining the ballot papers, shall finally determine the matter in dispute, and sign the written statement hereinbefore mentioned; and the clerk of the municipality shall forthwith,

Certain packets to be delivered to the clerk of municipality.

Statement to be made by returning officers on return of ballot papers, &c.

If dispute as to result arise, how to be settled.

in



in the presence of the returning officer and such of the candidates or of their agents as may then be present, securely seal up the ballot papers which have been examined by him into their several packages as before.

Certificate and declaration of returning officer and return of voters' list.

**20.** Every returning officer shall, at the close of the poll, certify under his signature on the voters' list in full words the total number of persons who have voted at the polling place at which he has been appointed to preside, and shall on the day after the close of the election return the voters' list to the clerk of the municipality, with his solemn declaration thereto annexed, that the voters' list was used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made, which declaration shall be in the form of Schedule "F" to this Act.

Clerk to cast up votes and declare who is elected, &c.

**21.** The clerk of the municipality, after he has received the ballot papers and statements before mentioned of the number of votes given in each polling place shall, without opening any of the sealed packets of ballot papers, cast up the number of votes for each candidate from such statements; and shall at the town hall, or, if there be no town hall, at some other public place, at noon on the day following the return of such ballot papers and statements, publicly declare to be elected the candidate or candidates having the highest number of votes, and shall also put up in some conspicuous place a statement under his hand shewing the number of votes for each candidate.

In certain cases clerk to have a casting vote.

**22.** In case it appear, upon the casting up the votes as aforesaid, that two or more candidates have an equal number of votes, the clerk of the municipality or other person appointed by by-law to discharge his duties of clerk in his absence or incapacity through illness, and, whether otherwise qualified or not, shall, at the time he declares the result of the poll, give a vote for one or more of such candidates, so as to decide the election; and except in such case, no clerk of the municipality shall vote at any municipal election held in his municipality; all other returning officers and persons employed as returning officers and all poll clerks, if otherwise qualified, shall be entitled to vote.

Election not commenced, or interrupted by riot, &c., to be resumed.

**23.** In case, by reason of riot or other emergency, an election is not commenced on the proper day, or is interrupted after being commenced and before the lawful closing thereof, the returning officer shall hold or resume the election on the following day at the hour of ten o'clock in the forenoon, and continue the same from day to day, if necessary, for four days until the poll has been opened without interruption, and with free access to voters for twelve hours in all, or thereabouts, in order that all the electors so intending may have had a fair opportunity to vote.

If election is prevented for four days, poll

**24.** But in case the election has not, by the end of the fourth day from the day the same commenced or should have commenced



menced, been so kept open for the said twelve hours, the returning officer shall not return any person as elected, but shall return his voters' list and ballot papers on the following day to the head of the municipality, certifying the cause of there not having been an election; and a new election shall take place, and the head of the municipality shall forthwith issue his warrant therefor.

book to be returned, and a new election ordered.

**25.** If no return has been made for one or more wards or electoral divisions, in consequence of no election having been held therein, or of the election having been interrupted through riot or other cause, the clerk shall declare the want of return for such ward or wards, or electoral divisions, and the cause thereof.

If no return for one or more wards, clerk to declare fact.

**26.** When a poll has been duly held in each of such wards or electoral divisions, and the ballot papers and statements hereby directed to be returned to the clerk have been so returned to him, the clerk shall, without opening any of the sealed packets of ballot papers, cast up from said statements the number of votes given for each candidate for any office in respect whereof the election has not been previously declared, together with the votes appearing by the statements previously returned for other wards to be given for the candidate, and shall at noon on the next day, at the town hall, or if there be no town hall, at some other public place, publicly declare to be elected the candidate or candidates having the largest number of votes polled.

Declaration of election, duty of the clerk.

**27.** The clerk of the municipality shall retain for one month all ballot papers received by him or forwarded to him in pursuance of this Act by a returning officer, and then, unless otherwise directed by an order of a Court, or Judge of competent jurisdiction, shall cause them to be destroyed in the presence of two witnesses, whose declaration that they have witnessed the destruction of such papers shall be taken before the head of the municipality, and filed amongst the records of such municipality by the clerk of the municipality.

When ballot papers shall be destroyed.

**28.** No person shall be allowed to inspect any ballot papers in the custody of the clerk of the municipality except under the order of a court or judge of competent jurisdiction, to be granted by the court or judge on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election or return; and any such order for the inspection or production of ballot papers shall be obeyed by the clerk of the municipality;

When ballot papers may be inspected.

2. Such order may be made subject to such conditions as to persons, time, place, and mode of opening or inspection as the court or judge making the order may think expedient.

Evidence as to documents, ballot papers, &c., in certain cases.

**29.** Where a rule or order is made for the production by the clerk of the municipality, of any document in his possession relating to any specified election, the production of the document by such clerk, in such manner as may be directed by the rule or order, shall be conclusive evidence that such document relates to the specified election; and any endorsement appearing on any packet of ballot papers produced by such clerk, shall be evidence of such papers being what they are stated to be by the endorsement:

#### OFFENCES.

Offences.

**30.** No person shall;

1. (a) Forge or counterfeit or fraudulently alter, deface or fraudulently destroy any ballot paper, or the name or initials of the returning officer signed thereon; or

(b) Without due authority supply any ballot paper to any person; or

(c) Fraudulently put into any ballot box any paper other than the ballot paper, which he is authorized by law to put in; or

(d) Fraudulently take out of the polling place any ballot paper; or

(e) Without due authority destroy, take, open, or otherwise interfere with any ballot box or packet of ballot papers then in use for the purposes of the election;

2. No person shall attempt to commit any offence specified in this section;

Penalty by imprisonment.

3. Any person guilty of any violation of this section, shall be liable, if he be the clerk of the municipality, to imprisonment for any term, not exceeding two years, with or without hard labour, and if he be any other person, to imprisonment for any term not exceeding six months, with or without hard labour.

Money penalty for offences.

**31.** Every officer and clerk who is guilty of any wilful misfeasance, or any wilful act or omission in contravention of this Act, shall, in addition to any other penalty or liability to which he may be subject, forfeit to any person aggrieved by such misfeasance, act or omission, a penal sum of four hundred dollars.

#### MAINTAINING SECRECY OF PROCEEDINGS.

Maintaining secrecy of proceedings.

**32.** Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place;

2. No officer, clerk, or agent, and no person whosoever, shall interfere with or attempt to interfere with a voter when marking his vote or otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted;

3. No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted:

4. Every officer, clerk and agent in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate or attempt to communicate any information obtained at such counting as to the candidate or candidates for whom any vote is given in any particular ballot paper ;

5. No person shall, directly or indirectly, induce any voter to display his ballot paper after he shall have marked the same, so as to make known to any person the name of any candidate or candidates for or against whom he shall have marked his vote ;

6. Every person who acts in contravention of this section shall be liable on summary conviction before a stipendiary magistrate, police magistrate, or two justices of the peace, to imprisonment for any term not exceeding six months, with or without hard labour.

Penalty for  
contravening  
this section.

33. The clerk of the municipality, and every officer, clerk or agent, authorized to attend a polling place, or at the counting of the votes, shall, before the opening of the poll, make a statutory declaration of secrecy, in the presence, if he is the clerk of the municipality, of a justice of the peace, and if he is any other officer, or a clerk, or an agent, in the presence of a justice of the peace or of the clerk of the municipality : and such statutory declaration of secrecy shall be in the form mentioned in Schedule G to this Act, or to the like effect.

Statutory de-  
claration of  
secrecy.

34. No person who has voted at an election shall, in any legal proceeding to question the election or return, be required to state for whom he has voted.

No one com-  
pellable to dis-  
close his vote.

#### GENERAL PROVISIONS.

35. A candidate may himself undertake the duties which any agent of his, if appointed, might have undertaken, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may in pursuance of this Act be authorized to attend.

Candidates  
may undertake  
duties of an  
Agent.

36. When in this Act any expressions are used, requiring or authorizing any act or thing to be done, or inferring that any act or thing is to be done in the presence of the agents of the candidate, such expressions shall be deemed to refer to the presence of such agents of the candidates as may be authorised to attend, and as have in fact attended at the time and place where such act or thing is being done ; and the non-attendance of any agents or agent at such time and place shall not, if the act or thing be otherwise duly done, invalidate in anywise the act or thing done.

Expressions in  
the Act refer-  
ring to Agents.

Non-attend-  
ance of  
Agents.

37. In reckoning time for the purposes of this Act, Sunday and any day set apart by any Act of lawful authority for a public

Non-judicial  
days.

lic

lic holiday, fast or thanksgiving, shall be excluded; and where anything is required by this Act, to be done on any day which falls on such days, such things may be done on the next judicial day.

No election to be invalid for want of compliance with rules if in compliance with principles of the Act.

**38.** No election shall be declared invalid by reason of a non-compliance with the rules contained in this Act as to the taking of the poll or the counting of the votes, or by reason of any mistake in the use of the forms contained in the schedules to this Act, if it appear to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake did not affect the result of the election.

Expenses incurred by officers to be refunded.

**39.** The reasonable expenses incurred by the clerk of the municipality, and by the other officers and clerks for printing, providing ballot boxes, ballot papers, materials for making ballot papers, polling compartments, transmission of the packets required to be transmitted by this Act, and reasonable fees and allowances for services rendered under this Act, shall be paid to the clerk of the municipality by the treasurer of the municipality, and shall be distributed by the clerk of the municipality to the several persons entitled thereto.

36 V. c. 48, ss. 109 to 118, repealed.

**40.** Sections one hundred and nine to one hundred and eighteen, inclusive, of the Act respecting Municipal Institutions in the Province of Ontario, passed in the thirty-sixth year of Her Majesty's reign, and chaptered forty-eight, are hereby repealed.

Certain elections not affected by this Act.

**41.** This Act shall not apply to the taking of the votes of electors, with respect to a by-law which requires their assent under the two-hundred and thirty-first section of the Act respecting municipal elections, nor to elections under the consolidated public school law of 1874, and in all such cases the votes shall be taken or elections held as if this Act had not been passed.

Elections of January, 1875.

**42.** This Act shall not be applicable to the Municipal Elections of January, 1875.



## SCHEDULE A.

*Form of front of Ballot Paper.**(1. In the case of Cities.)*

Election for the Members of the Municipal Council of  
 (as the case may be),  
 Ward No.                      day of                      18

		<i>For Mayor.</i>	
	1	ALLAN. Charles Allan, King St., City of Toronto, Mer- chant.	
	2	BROWN. William Brown, City of Toronto, Banker.	
		<i>For Alderman,</i>	
	1	ARGO. James Argo, City of To- ronto, Gentleman.	
	2	BAKER. Samuel Baker, City of Toronto, Baker.	
	3	DUNCAN. Robert Duncan, City of Toronto, Printer.	

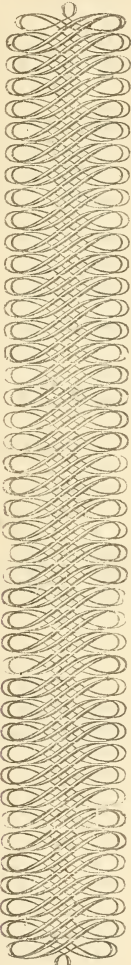
(2. In the case of Towns.)

Election for the members of the Municipal Council of the Town of  
 Ward No.  
 day of 18

		<i>FOR MAYOR.</i>	
1		THOMPSON. Jacob Thompson, of the Town of Barrie, Merchant.	
	2	WALKER. Robert Walker, of the Town of Barrie, Physician.	
		<i>FOR REEVE (if any).</i>	
1		BROWN. John Brown, of the Town of Barrie, Merchant.	
	2	ROBINSON. George Robinson, of the Town of Barrie, Merchant.	
		<i>FOR DEPUTY REEVE (if any).</i>	
1		ARMOUR. Jacob Armour, of the Town of Barrie, Pumpmaker.	
	2	BOYD, Zachary Boyd, of the Town of Barrie, Tinsmith.	
		<i>FOR COUNCILLOR,</i>	
1		BULL. John Bull, of the Town of Barrie, Butcher.	
	2	JONES. Morgan Jones, of the Town of Barrie, Grocer.	
3		McALLISTER. Allister McAllister, of the Town of Barrie, Tailor.	
	4	O'CONNELL. Patrick O'Connell, of the Town of Barrie, Milkman.	

(3. In the case of incorporated Villages and Townships.)

Election of Members of the Municipal Council of the Village (or Township)  
of \_\_\_\_\_ in the County of \_\_\_\_\_  
day of \_\_\_\_\_ 187

		FOR REEVE.	
	1	BROWN. John Brown, of the Village of Yorkville, Merchant.	
	2	ROBINSON. George Robinson, of the Village of Yorkville, Physician.	
		FOR DEPUTY REEVE. (if any).	
	1	ARMOUR. Jacob Armour, of the Village of Yorkville, Pumpmaker.	
	2	BOYD. Zachary Boyd, of the Village of Yorkville, Tinsmith.	
		FOR COUNCILLOR.	
	1	BULL. John Bull, of the Village of Yorkville, Butcher.	
	2	JONES. Morgan Jones, of the Village of Yorkville, Grocer.	
	3	McALLISTER. Allister McAllister, of the Village of Yorkville, Tailor.	
	4	O'CONNELL. Patrick O'Connell, of the Village of Yorkville, Milkman.	

### SCHEDULE B.

(Referred to in section number six of this Act.)

#### DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into one of the compartments, and, with the pencil provided in the compartment, place a cross on the right hand side, opposite the name or names of the candidate or candidates for whom he votes, thus ×

The voter will then fold up the ballot paper so as to show the name or initials of the returning officer signed on the back, and leaving


leaving the compartment will, without showing the front of the paper to any person, deliver such ballot so folded to the returning officer and forthwith quit the polling place.

If the voter inadvertently spoil a ballot paper, he can return it to the returning officer, who will, if satisfied of such inadvertence, give him another ballot paper.

If the voter votes for more candidates than he is entitled to vote for, or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the officer, he will be subject to imprisonment for any term not exceeding six months, with or without hard labour.

*In the following form of Ballot Paper, given for illustration, the Candidates are for Mayor, CHARLES ALLAN and WILLIAM BROWN; and for Alderman, JAMES ARGO, SAMUEL BAKER, and ROBERT DUNCAN, and the Elector has marked his ballot paper in favour of WILLIAM BROWN for Mayor; and in favour of JAMES ARGO and SAMUEL BAKER, for Alderman.*

		<i>For Mayor.</i>	
	1	ALLAN. Charles Allan, King St., City of Toronto, Mer- chant.	
	2	BROWN. William Brown, City of Toronto, Banker.	×
		<i>For Alderman.</i>	
	1	ARGO. James Argo, City of To- ronto, Gentleman.	×
	2	BAKER. Samuel Baker, City of Toronto, Baker.	×
	3	DUNCAN. Robert Duncan, City of Toronto, Printer.	





## SCHEDULE D.

*(Referred to in section fifteen of this Act.)*

## FORM OF DECLARATION OF INABILITY TO READ.

I, *A. B.*, of \_\_\_\_\_, being numbered \_\_\_\_\_ on the voters' list, for electoral division No. \_\_\_\_\_ in the city, *(or as the case may be)* of \_\_\_\_\_ and county of \_\_\_\_\_, being a legally qualified elector for the said city *(or as the case may be)* of \_\_\_\_\_ do hereby declare that I am unable to read, *(or that I am from physical incapacity unable to mark a voting paper, as the case may be.)*

The \_\_\_\_\_ day of \_\_\_\_\_ A.D. 18 \_\_\_\_\_ *A. B.*, (His  $\times$  mark)

## SCHEDULE E

*(Referred to in section fifteen of this Act.)*

## FORM OF ATTESTATION CLAUSE TO BE WRITTEN UPON OR ANNEXED TO THE DECLARATION OF INABILITY TO READ.

I *C. D.*, the undersigned, being the returning officer for electoral division No. \_\_\_\_\_ for the city, *(or as the case may be)* of \_\_\_\_\_ do hereby certify that the above *(or as the case may be)* declaration having been first read to the above-named *A. B.*, was signed by him in my presence with his mark.

*(Signed)* \_\_\_\_\_ *C. D.*,  
Returning Officer for Electoral  
Division No. \_\_\_\_\_ in the city *(or*  
*as the case may be)* of \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18 \_\_\_\_\_

## SCHEDULE F.

*(Referred to in section twenty of this Act.)*

*"Oath of the Deputy Returning Officer after the closing of the poll.*

*"I C. D.*, the undersigned Returning Officer for electoral division No. \_\_\_\_\_ of the city *(or as the case may be)* of \_\_\_\_\_, in the county of \_\_\_\_\_, do solemnly swear *(or if it be a person permitted by law to affirm, do solemnly affirm)* that to the best of my knowledge the annexed voters' list used in and for the said electoral division No. \_\_\_\_\_ of the said city *(or as the case may be)*, was so used in the manner prescribed by law.  
"and

“and that the entries required by law to be made therein were  
“correctly made.

(Signed) C. D.,  
Returning Officer.

“Sworn (or affirmed) before me at this day  
“of A. D. 18

(Signed) X. Y.,  
Justice of the Peace.  
Or A. B.,  
Clerk of Municipality of

NOTE.—*The foregoing oath is to be annexed to the voters' list used at the election.*

### SCHEDULE G.

(Referred to in section Thirty-three of this Act.)

#### FORM OF STATUTORY DECLARATION OF SECRECY.

I, A. B., solemnly promise and declare that I will not at this election of members of the municipal council of the city (or as the case may be) of disclose to any person or persons the name of any person who has voted, and that I will not in any way whatsoever unlawfully attempt to ascertain the candidate or candidates for whom any elector shall vote or has voted, and will not in any way whatsoever aid in the unlawful discovery of the same; and I will keep secret all knowledge, of the person for whom any elector has voted, which may come to me;

Made and declared before me at this day of  
A.D. 18

C. D.,  
Justice of the Peace, (or, Clerk  
of the Municipality of

### CAP. XXIX.

An Act to amend the Act respecting the Municipal Loan Fund debts and certain payments to Municipalities.

[Assented to 2st December, 1874.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Municipal Council of any Municipality entitled to receive money or debentures under the Act intituled, “An Act respecting Councils may apply moneys or debentures

for certain purposes.

respecting the Municipal Loan Fund debts and respecting certain payments to Municipalities," may by by-law set apart any of such moneys or the proceeds of the said debentures for any of the objects following, that is to say, (1) for any educational purpose for which the municipality may lawfully set apart other surplus money; or (2) for the purpose of paying the liability of the municipality in respect of any debt due by the county within which the municipality is situated, or of any debt due by the municipality jointly with any other municipalities or municipality, or with part of any municipalities or municipality; or (3) for the purchase of a steam fire engine for use in the municipality; or (4) for any object of a permanent nature.

The case of money set apart for unauthorized educational purpose.

2. In case of the money being set apart for some educational purpose not authorized by the said former Act, the money shall be invested and applied in the same manner and subject to the same conditions as other surplus money which municipal corporations may by law set apart for educational purposes.

How the moneys if set apart to pay certain debts may be invested.

3. In case of the money being set apart for paying any such debt as aforesaid, or for paying any other debt of the municipality incurred for an object of a permanent nature, the said money may be invested until needed, in the same manner as special rates are invested where they cannot be immediately paid on the municipal debts in respect of which such special rates had been levied, but the authority of the Lieutenant-Governor in Council as to the securities in which any such investment is to be made shall not be necessary.

Validity and date of certain debentures confirmed.

4. The debentures of the respective Municipal Corporations and for the respective amounts (with their relative coupons) mentioned in the schedule to this Act, and payable as therein also mentioned, heretofore given to the Treasurer of this Province, in respect of their reduced indebtedness to the Municipal Loan Fund under the provisions of the said recited Act, and countersigned by the Provincial Treasurer and Auditor, are hereby declared to be respectively legal, valid and binding upon the said several Municipal Corporations and all the ratepayers thereof; and may be deemed to be dated and countersigned as of the thirty-first day of August, one thousand eight hundred and seventy-four.



## SCHEDULE OF DEBENTURES.

Number of Debentures of each Municipality.	Amount of each Debenture.		When payable.	Amounts in Sterling.		Total of each Municipality in Sterling.		
	£	s. d.		£	s. d.	£	s.	d.
4 Town of Barrie.								
Being 1 of.....	100	0	0 31st Dec., 1874	100	0 0	}	400	0 0
do 2 .....	100	0	0 31st do 1875	200	0 0			
do 1 .....	100	0	0 31st do 1876	100	0 0			
106 Town of Chatham.....	200	0	0 31st Aug., 1893	21,200	0 0		21,200	0 0
2 Town of Cornwall.....								
Being 1 of .....	100	0	0 31st Dec., 1874	100	0 0	}	200	0 0
do 1 .....	100	0	0 31st do 1875	100	0 0			
199 Town of Brantford.....	200	0	0 31st do 1893	39,800	0 0		39,800	0 0
142 Do. Cobourg.....	100	0	0 31st do 1893	14,200	0 0		14,200	0 0
121 Do. Goderich.								
Being 2 of.....	100	0	0 31st do 1874	200	0 0	}	12,100	0 0
do 3 .....	100	0	0 31st do 1875	300	0 0			
do 3 .....	100	0	0 31st do 1876	300	0 0			
do 4 .....	100	0	0 31st do 1877	400	0 0			
do 3 .....	100	0	0 31st do 1878	300	0 0			
do 4 .....	100	0	0 31st do 1879	400	0 0			
do 3 .....	100	0	0 31st do 1880	300	0 0			
do 4 .....	100	0	0 31st do 1881	400	0 0			
do 5 .....	100	0	0 31st do 1882	500	0 0			
do 4 .....	100	0	0 31st do 1883	400	0 0			
do 5 .....	100	0	0 31st do 1884	500	0 0			
do 4 .....	100	0	0 31st do 1885	400	0 0			
do 5 .....	100	0	0 31st do 1886	500	0 0			
do 6 .....	100	0	0 31st do 1887	600	0 0			
do 5 .....	100	0	0 31st do 1888	500	0 0			
do 6 .....	100	0	0 31st do 1889	600	0 0			
do 6 .....	100	0*	0 31st do 1890	600	0 0			
do 7 .....	100	0	0 31st do 1891	700	0 0			
do 7 .....	100	0	0 31st do 1892	700	0 0			
do 35 .....	100	0	0 31st Aug., 1893	3,500	0 0			
102 Town of Guelph.								
Being 5 of.....	100	0	0 31st Dec., 1874	500	0 0	}	10,200	0 0
do 7 .....	100	0	0 31st do 1875	700	0 0			
do 6 .....	100	0	0 31st do 1876	600	0 0			
do 7 .....	100	0	0 31st do 1877	700	0 0			
do 7 .....	100	0	0 31st do 1878	700	0 0			
do 8 .....	100	0	0 31st do 1879	800	0 0			
do 8 .....	100	0	0 31st do 1880	800	0 0			
do .....	100	0	0 31st do 1881	800	0 0			
do 9 .....	100	0	0 31st do 1882	900	0 0			
do 9 .....	100	0	0 31st do 1883	900	0 0			
do 10 .....	100	0	0 31st do 1884	1,000	0 0			
do 10 .....	100	0	0 31st do 1885	1,000	0 0			
do 8 .....	100	0	0 31st do 1886	800	0 0			
148 Town of Peterborough.....	100	0	0 31st Aug., 1893	14,800	0 0		14,800	0 0
190 Town of Port Hope.								
Being 3 of.....	100	0	0 31st Dec., 1874	300	0 0	}		
do 3 .....	100	0	0 31st do 1875	300	0 0			
do 3 .....	100	0	0 31st do 1876	300	0 0			
do 4 .....	100	0	0 31st do 1877	400	0 0			
do 3 .....	100	0	0 31st do 1878	300	0 0			
do 4 .....	100	0	0 31st do 1879	400	0 0			
do 5 .....	100	0	0 31st do 1880	500	0 0			
do 4 .....	100	0	0 31st do 1881	400	0 0			
do 4 .....	100	0	0 31st do 1882	400	0 0			
do 5 .....	100	0	0 31st do 1883	500	0 0			
do 5 .....	100	0	0 31st do 1884	500	0 0			
do 6 .....	100	0	0 31st do 1885	600	0 0			
do 5 .....	100	0	0 31st do 1886	500	0 0			
do 6 .....	100	0	0 31st do 1887	600	0 0			
do 6 .....	100	0	0 31st do 1888	600	0 0			
do 6 .....	100	0	0 31st do 1889	600	0 0			
Carried forward .....				7,200	0 0		£112,900	0 0

SCHEDULE OF DEBENTURES.—*Continued.*

Number of Debentures of each Municipality.	Amount of each Debenture.		When payable.	Amounts in Sterling.		Total of each Municipality in Sterling.	
	£	s. d.		£	s. d.	£	s. d.
<i>Brought forward</i> .....				7,200	0 0	112,900	0 0
109 Town of Port Hope.							
Being 7 of.....	100	0 0	31st Dec., 1890	700	0 0	19,000	0 0
do 7 .....	100	0 0	31st do 1891	700	0 0		
do 8 .....	100	0 0	31st do 1892	800	0 0		
do 96 .....	100	0 0	31st Aug., 1893	9,600	0 0		
109 Town of Stratford.							
Being 1 of.....	100	0 0	31st Dec., 1875	100	0 0	10,900	0 0
do 1 .....	100	0 0	31st do 1877	100	0 0		
do 1 .....	100	0 0	31st do 1878	100	0 0		
do 1 .....	100	0 0	31st do 1880	100	0 0		
do 1 .....	100	5 0	31st do 1881	100	0 0		
do 1 .....	100	0 0	31st do 1882	100	0 0		
do 1 .....	100	0 0	31st do 1883	100	0 0		
do 1 .....	100	0 0	31st do 1884	100	0 0		
do 1 .....	100	0 0	31st do 1885	100	0 0		
do 1 .....	100	0 0	31st do 1886	100	0 0		
do 1 .....	100	0 0	31st do 1887	100	0 0		
do 1 .....	100	0 0	31st do 1888	100	0 0		
do 1 .....	100	0 0	31st do 1889	100	0 0		
do 1 .....	100	0 0	31st do 1890	100	0 0		
do 1 .....	100	0 0	31st do 1891	100	0 0		
do 2 .....	100	0 0	31st do 1892	200	0 0		
do 92 .....	100	0 0	31st Aug., 1893	9,200	0 0		
329 Town of St. Catharines, executed by Isaac Roberts, Eckart and William Robert Harris, trustees appointed by Order in Council, dated 8th May, 1874, under section 6 of Act 36, Vic., cap. 47.							
Being 1 of.....	100	0 0	31st Dec., 1874	100	0 0	32,900	0 0
do 1 .....	100	0 0	31st do 1875	100	0 0		
do 1 .....	100	0 0	31st do 1876	100	0 0		
do 1 .....	100	0 0	31st do 1877	100	0 0		
do 1 .....	100	0 0	31st do 1878	100	0 0		
do 2 .....	100	0 0	31st do 1879	200	0 0		
do 1 .....	100	0 0	31st do 1880	100	0 0		
do 2 .....	100	0 0	31st do 1881	200	0 0		
do 1 .....	100	0 0	31st do 1882	100	0 0		
do 2 .....	100	0 0	31st do 1883	200	0 0		
do 2 .....	100	0 0	31st do 1884	200	0 0		
do 2 .....	100	0 0	31st do 1885	200	0 0		
do 2 .....	100	0 0	31st do 1886	200	0 0		
do 2 .....	100	0 0	31st do 1887	200	0 0		
do 2 .....	100	0 0	31st do 1888	200	0 0		
do 2 .....	100	0 0	31st do 1889	200	0 0		
do 2 .....	100	0 0	31st do 1890	200	0 0		
do 3 .....	100	0 0	31st do 1891	300	0 0		
do 2 .....	100	0 0	31st do 1892	200	0 0		
do 297 .....	100	0 0	31st Aug., 1893	29,700	0 0		
38 Town of Lindsay.....	100	0 0	31st do 1893	3,800	0 0	3,800	0 0
71 Township of Hope.							
Being 2 of.....	100	0 0	31st Dec., 1874	200	0 0	3,900	0 0
do 3 .....	100	0 0	31st do 1875	300	0 0		
do 3 .....	100	0 0	31st do 1876	300	0 0		
do 3 .....	100	0 0	31st do 1877	300	0 0		
do 4 .....	100	0 0	31st do 1878	400	0 0		
do 3 .....	100	0 0	31st do 1879	300	0 0		
do 4 .....	100	0 0	31st do 1880	400	0 0		
do 4 .....	100	0 0	31st do 1881	400	0 0		
do 4 .....	100	0 0	31st do 1882	400	0 0		
do 4 .....	100	0 0	31st do 1883	400	0 0		
do 5 .....	100	0 0	31st do 1884	500	0 0		
<i>Carried forward</i> .....				3,900	0 0	£179,500	0 0

SCHEDULE

SCHEDULE OF DEBENTURES.—*Concluded.*

Number of Debentures of each Municipality.	Amount of each Debenture.	When payable.	Amounts in Sterling.	Total of each Municipality in Sterling.
	£ s. d.		£ s. d.	£ s. d.
<i>Brought forward</i> .....			3,900 0 0	179,500 0 0
71 Township of Hope.				
Being 4 of.....	100 0 0	31st Dec., 1885	400 0 0	7,100 0 0
do 5 .....	100 0 0	31st do 1886	500 0 0	
do 5 .....	100 0 0	31st do 1887	500 0 0	
do 6 .....	100 0 0	31st do 1888	600 0 0	
do 5 .....	100 0 0	31st do 1889	500 0 0	
do 6 .....	100 0 0	31st do 1890	600 0 0	
do 1 .....	100 0 0	31st do 1891	100 0 0	
3 Township of Ops.....	100 0 0	31st Aug., 1893	3,800 0 0	3,800 0 0
499 City of London .....	200 0 0	31st do 1893	99,800 0 0	99,800 0 0
329 United Counties of Northumberland and Durham.				
Being 21 of.....	200 0 0	31st Dec., 1874	4,200 0 0	45,800 0 0
do 23 .....	200 0 0	31st do 1875	4,600 0 0	
do 24 .....	200 0 0	31st do 1876	4,800 0 0	
do 25 .....	200 0 0	31st do 1877	5,000 0 0	
do 26 .....	200 0 0	31st do 1878	5,200 0 0	
do 27 .....	200 0 0	31st do 1879	5,400 0 0	
do 29 .....	200 0 0	31st do 1880	5,800 0 0	
do 31 .....	200 0 0	31st do 1881	6,200 0 0	
do 23 .....	200 0 0	31st do 1882	4,600 0 0	
142 County of Perth.				
Being 7 of.....	200 0 0	31st do 1874	1,400 0 0	28,400 0 0
do 9 .....	200 0 0	31st do 1875	1,800 0 0	
do 8 .....	200 0 0	31st do 1876	1,600 0 0	
do 9 .....	200 0 0	31st do 1877	1,800 0 0	
do 10 .....	200 0 0	31st do 1878	2,000 0 0	
do 10 .....	200 0 0	31st do 1879	2,000 0 0	
do 10 .....	200 0 0	31st do 1880	2,000 0 0	
do 11 .....	200 0 0	31st do 1881	2,200 0 0	
do 12 .....	200 0 0	31st do 1882	2,400 0 0	
do 12 .....	200 0 0	31st do 1883	2,400 0 0	
do 13 .....	200 0 0	31st do 1884	2,600 0 0	
do 13 .....	200 0 0	31st do 1885	2,600 0 0	
do 14 .....	200 0 0	31st do 1886	2,800 0 0	
do 4 .....	200 0 0	31st do 1887	800 0 0	
		Total.....		364,400 0 0

## CAP. XXX.

An Act to continue and extend the Act to provide for the better government of that part of Ontario situated in the vicinity of the Falls of Niagara.

[Assented to 21st December, 1874.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The Act passed in the thirty-seventh year of the reign of Her present Majesty, and chaptered eighteen, except the ninth section

37 V., c. 18,  
continued, s.  
9 repealed.

section thereof which is hereby repealed, shall be and remain in force until the end of the next session of the Legislature and no longer.

Police Court  
at Fort Erie  
and licenses in  
Fort Erie and  
Bertie.

2. The Police Magistrate appointed under the said Act shall, as often as he may consider necessary, or in case the Lieutenant Governor in Council give a direction in that behalf, then as often as the said Lieutenant-Governor directs, hold a Police Court in the village of Fort Erie; and the said Police Magistrate shall have the like authority over any license granted or issued by the Municipal Officers of the village of Fort Erie, or of the Township of Bertie, as he now has over licenses granted or issued by the Municipal Officers of the town of Clifton, or of the Township of Stamford.

## CAP. XXXI.

An Act to separate the Town of Orangeville and certain Townships in the Counties of Wellington, Grey and Simcoe, from the said Counties, and to erect the same into the County of Dufferin.

[Assented to 21st December, 1874.]

Preamble.

WHEREAS the population of the Town of Orangeville in the County of Wellington, and the Townships of East Garafraxa and Amaranth, also in the said County of Wellington, Melancthon in the County of Grey, and Mono, and Mulmur, in the County of Simcoe, is about eighteen thousand three hundred and eighty-six, and the assessed value of the property comprised therein, is about three millions of dollars; And whereas, many of the said municipalities are inconveniently distant from the county towns of the counties of which they form a part, and the said counties are of an unwieldy size; And whereas the said municipalities are of such size and wealth, and their relative situation and trade relations are such as to render it fitting that they should (with the approval of the people) be formed into a new county; And whereas divers petitions have been presented praying for the passing of this Act, and it is expedient to comply with the prayer of such petitions:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

The Provisional Council.

1. The reeves and deputy reeves of the town of Orangeville, in the County of Wellington, and the Townships of East Garafraxa and Amaranth, also in the said County of Wellington, Melancthon in the County of Grey and Mono, and Mulmur in



in the County of Simcoe, shall form a provisional municipal council, under the style and name of the Provisional Council of the County of "Dufferin," for the purposes of this Act.

2. It shall, upon the written request of any four of the reeves and deputy reeves of the said town and townships aforesaid, be the duty of the reeve of Orangeville to call a meeting of the reeves and deputy reeves of the said town and townships, at such place and hour within the Town of Orangeville as he shall appoint, and a notice of such meeting shall be inserted in at least one newspaper published within the said Counties of Wellington, Grey and Simcoe respectively, and a copy of such notice sent by mail or otherwise to each of such reeves and deputy reeves at least ten days before the day appointed for such meeting; and the said Provisional Council shall at the first meeting thereof to be held under this Act, proceed to elect a Provisional Warden; after which at the same meeting or some adjournment thereof, they shall proceed to pass a by-law for the purpose of taking a vote of the qualified municipal electors of the said Town of Orangeville, and townships aforesaid, on the question of the separation and erection into a new county by vote to be specially taken for that purpose, each qualified elector having one vote and voting "yea" or "nay," after at least ten days' notice shall have been given in the manner to be provided by such by-law of the time and places when and where the said vote is to be taken.

First meeting  
of Reeves.

Election of  
Warden.

Vote for ques-  
tion of Separ-  
ation and  
Erection of  
new County.

3. The Provisional Council shall meet on the requisition of the warden on some day after the day or days appointed for taking such vote, and proceed in open council to ascertain the number of votes recorded "yea" and "nay," and if the result shall show that a majority of the votes recorded are "nay," then after making a record of the same in the minutes of the said Provisional Council, the said council shall adjourn *sine die*, and be called together again only on the written request of a majority of the reeves and deputy reeves of the said town and townships in manner as aforesaid.

Ascertaining  
the result of  
the Poll.

If the result be  
"nay."

4. If the result shall show that a majority of the votes recorded are "yea," the said Provisional Council shall make a record thereof in their minutes, and in that event the county town of the new county shall be Orangeville.

If the result  
be "yea."

County Town.

5. The said Provisional Council shall and may hereafter pass a by-law for providing means for purchasing and acquiring lands and erecting the necessary county buildings thereon at Orangeville; but before its final passing, such by-law shall be submitted to the municipal electors of the said new county, and a vote shall be taken on the same in like manner as provided by the two hundred and thirty-first section of chapter forty-eight of the Statutes passed by the Legislature of Ontario in the year of our Lord

County Build-  
ings.

Lord one thousand eight hundred and seventy-three, intituled "An Act respecting Municipal Institutions in the Province of Ontario," and after passing such by-law the said Provisional Council shall proceed to erect the necessary county buildings.

Proclamation  
of Lieutenant-  
Governor  
of the erection  
of new county

6. After the necessary buildings shall have been erected as aforesaid, it shall be lawful for the Lieutenant-Governor in Council, by Proclamation, to declare the said town and townships separated from the said counties to which they now respectively belong, and declare them to be formed into a new county under the name of the County of Dufferin, for all judicial and municipal purposes, and also for Registry purposes, unless Proclamation in that behalf has previously issued under the provisions of this Act, but until the issue of such Proclamation, the said town and townships shall remain as at present connected with the counties of which they respectively form a part for all such purposes.

Powers of Pro-  
visional Coun-  
cil prior to  
Proclamation.

7. The Provisional Council aforesaid shall, prior to such Proclamation, have only the powers specially given to it by the preceding sections of this Act.

Powers after  
Proclamation.

8. After such Proclamation the Provisional Council shall and may have and exercise all the rights, powers, privileges and duties conferred on provisional municipal councils by law; and the provisions of any law in force in this Province in any wise affecting or relating to the proceedings consequent upon the dissolution of the union of counties shall apply, so far as applicable, to the separation of the town and townships aforesaid from the respective counties of which they have heretofore formed part, and the erection thereof into a new county.

Municipal  
Institutions  
Act to apply.

9. After such Proclamation the law in force respecting municipal institutions of this Province, shall, as far as they are applicable and not inconsistent with this Act, apply to the County of Dufferin.

Apportion-  
ment of the  
debts of the  
Municipalities.

10. After such Proclamation the corporations of Orangeville, East Garafraxa and Amaranth, shall respectively pay to the County of Wellington, and the corporation of Melancthon shall pay to the corporation of the county of Grey, and the corporation of Mono and Mulmur shall respectively pay to the corporation of the County of Simcoe, such proportion of the then outstanding debt of the Counties of Wellington, Grey and Simcoe respectively, and in such manner as may be determined under the said Act respecting the Municipal Institutions of Ontario; and the respective corporations of the said town and townships shall respectively receive from the county corporations, from which they are respectively separated, a just proportion of the assets of said counties.

Registry  
Office.

11. In case a majority of the votes cast at the polling provided for in the third section of this Act are recorded in favour of  
the

the formation of such new county, the Lieutenant-Governor in Council may by an order in Council cause to be issued a Proclamation, and thereby set apart and establish a Registry office for the said county so to be erected as aforesaid.

## CAP. XXXII.

An Act to incorporate the Village of Ailsa Craig, in the County of Middlesex.

[Assented to 21st December, 1874.]

**W**HEREAS the inhabitants of the Village of Ailsa Craig Preamble. have by their petition represented that there are seventy-seven freeholders and thirty-four householders resident within the said Village of Ailsa Craig, and by reason of the rapid increase of the population of the said Village, and in order to promote its progress and prosperity, and in compliance with a resolution passed at a public meeting duly convened to consider the matter of incorporation, and numerous attended, it is desirable that the said Village of Ailsa Craig should be incorporated under the name of "The Corporation of the Village of Ailsa Craig," and it is expedient to grant the prayer of the said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. On and after the passing of this Act, the inhabitants of the said Village of Ailsa Craig comprised within the boundaries hereinafter mentioned, shall be, and they are hereby constituted, a body corporate, apart from the Townships of McGillivray and East Williams, in which the said Village is now situate, under the name of "The Corporation of the Village of Ailsa Craig", and shall enjoy all such rights, powers and privileges as are now or shall be hereafter conferred on incorporated villages in the Province of Ontario. Village of Ailsa Craig incorporated.

2. The said Village of Ailsa Craig shall comprise and consist of the following lots and parcels of land, that is to say: part of lot twenty-four and the whole of lots twenty-five and twenty-six in the fifth concession of the Township of McGillivray, and part of lot twenty-four and the whole of lots twenty-five and twenty-six in the twentieth concession of the Township of East Williams, and shall be bounded and described as follows: Commencing at the south-west angle of lot number twenty-four in the aforesaid Township of McGillivray, on the town line between the Townships of McGillivray and East Williams ; Boundaries of the Village.

Williams; thence in a northerly direction to a point in the centre of the western boundary line of said lot; thence easterly to the boundary line of lots twenty-four and twenty-five; thence northerly to the north-west corner of lot twenty-five; thence in an easterly direction along the northern boundary of said lot twenty-five to the north-east corner of said lot twenty-five; thence across the side road between lots twenty-five and twenty-six, continuing the said line to the north-east corner of lot twenty-six; thence in a southerly direction along the eastern boundary of lot twenty-six to the said town line between East Williams and McGillivray; thence across the said town line in a southerly direction to the south-east corner of lot twenty-six, in the Township of East Williams aforesaid; thence in a westerly direction to the south-west corner of said lot; thence across the said side road between lots twenty-five and twenty-six to the extreme south-easterly corner of lot twenty-five in East Williams aforesaid; thence along the southerly limit of said lot twenty-five to the south-west corner of said lot twenty-five; thence in a northerly direction along the western boundary of said lot twenty-five to a point in the centre of the said boundary line; thence westerly, parallel with the town line to the western boundary line of lot twenty-four in East Williams aforesaid; thence northerly along the western boundary of said lot twenty-four; and thence across the said town line to the place of beginning, containing by admeasurement five hundred acres, be the same more or less.

Appointment  
of returning  
officer for first  
election.

His duties

3. Immediately after the passing of this Act it shall be lawful for William McIntosh, of the said Village of Ailsa Craig, who is hereby appointed the returning officer, to hold the nomination for the first election of reeve and councillors, at the Town Hall in the said Village, at the hour of noon; and he shall give one week's written notice thereof, posted up in at least three conspicuous places in the said Village; and he shall preside at such nomination, or in case of his absence the electors present shall choose from among themselves a chairman to officiate, who shall have all the powers of a returning officer; and the polling, if required on account of there being more candidates than sufficient to fill the said offices, shall be held on the same day of the week in the week next following the said nomination; and the duties of the returning officer shall be those prescribed by law with respect to incorporated villages.

Qualification  
of voters, &c.

4. At the first election of reeve and councillors, the qualification of the electors and of the reeve and officers required to qualify shall be the same as that required in townships; and at all subsequent elections the qualification shall be the same as that required in incorporated villages.

Township  
clerks to fur-  
nish copies of  
rolls.

5. The Township Clerks of the Townships of McGillivray and East Williams shall furnish to the returning officer, upon demand made by him for the same, a certified copy of so much  
of



of the last revised assessment rolls of the said Townships respectively as may be required to ascertain the persons entitled to vote at such first election, or with the collector's roll, document, writing or statement that may be required, which copies shall be verified on oath or as now required by law.

6. The said returning officer, before holding the said election shall take the oath or affirmation now required by law to be taken by returning officers for incorporated villages in Ontario. Oath of office.

7. Elections for councillors for the said Village of Ailsa Craig after the year of our Lord one thousand eight hundred and seventy-five shall be held in conformity with the provisions of law applying to incorporated villages in Ontario. Annual elections after 1875

8. The several persons who shall be elected or appointed under this Act, shall take the same oaths of office and of qualification as are now prescribed by law. Oaths of office.

9. The Council of the said Village to be elected under this Act shall consist of the reeve, who shall be the head thereof, and four councillors, and they shall be organized as a Council on the same day of the week next following the week of the polling, or if there be no polling, on the same day of the week next following the week of the said nomination, and at subsequent elections in the same manner as in villages incorporated under the provisions of the Municipal Act in Ontario. Village Council how composed and organized.

10. The said Village of Ailsa Craig shall be liable to pay to the Treasurer of each of the Townships of McGillivray and East Williams in each and every year, such and the same proportion of any debts contracted by the said townships or either of them prior to the present year, as the amount of the assessed property for each township within the limits of the said Village as shown by the assessment rolls of the said Townships of McGillivray and East Williams for the year of our Lord one thousand eight hundred and seventy-four, bears to the whole amount of the assessed property of the said townships respectively, until such debts shall be fully satisfied; and the council of the said Village of Ailsa Craig shall be entitled to recover from the said Townships of McGillivray and East Williams respectively such shares of all money on hand, due or owing or of right, collectable by and belonging to the said townships respectively at and prior to the said time of incorporation or thereafter, if entitled thereto, as shall bear such proportions to the whole as the amounts of the assessed property within the limits of the said Village as shewn by the said assessment rolls of the year one thousand eight hundred and seventy-four bears to the whole amount of the assessed property of the said townships respectively: And in case of disagreement the same shall be determined by arbitration under the Municipal Institutions Act, and the arbitrators in making Provisions as to debt of townships.

making their award shall have regard to the amounts received or to be received by the said townships or either of them, under the provisions of the Act intituled An Act respecting the Municipal Loan Fund Debts, and respecting certain payments to municipalities.

North portion  
of village  
exempt from  
county debt.

**11.** The northern half or McGillivray portion of the said Village shall not be assessed to pay any portion of the present County of Middlesex debt, but shall be exempt therefrom as if still forming a portion of the said Township of McGillivray.

Village to be  
a separate  
municipality.

**12.** From and after the holding of the election under this Act the said Village shall cease to form part of the Townships of McGillivray and East Williams, and shall to all intents and purposes form a separate and independent municipality, with all the rights, privileges and jurisdiction of an incorporated village in Ontario.

Expenses of  
furnishing  
rolls, &c.

**13.** The expenses of furnishing copies of the assessment rolls or any documents or copies of papers or writings by the clerk or other officers of the councils of the said townships hereinbefore referred to, or required to be furnished or incurred in obtaining this Act, shall be borne and paid by the said Village Council to the parties respectively entitled thereto.

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## CAP. XXXIII.

An Act to Incorporate the Town of Palmerston and to define the limits thereof.

[Assented to 21st December, 1874.]

Preamble.

**W**HEREAS the inhabitants of the unincorporated Village of Palmerston, in the Township of Wallace, in the County of Perth, and the Township of Minto, in the County of Wellington, have by their petition represented that the said Village has a population of over fourteen hundred, and that the population of the said Village is rapidly increasing, and will be further augmented by the early construction of railways and the large number of manufacturers locating there, and other causes; and in order to enable the inhabitants to make and carry out certain necessary improvements, and in compliance with a resolution passed by a public meeting convened to consider the matter of incorporation, and numerously attended, it is desirable that the said Village be incorporated as a Town; and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. On and after the passing of this Act the inhabitants of the said Village of Palmerston shall be, and they are, hereby constituted a corporation or body politic, under the name of the "Corporation of the Town of Palmerston," apart from the said Townships of Wallace and Minto respectively, in which it is situate, and shall enjoy all the rights, powers and privileges enjoyed by incorporated towns in the Province of Ontario, and exercised by the Council thereof, under the existing municipal laws of the said Province, which are hereby made applicable thereto, but only so far as the same are not inconsistent herewith.

Town of Palmerston incorporated.

2. The said town shall comprise and consist of the following lands and premises within the said town, that is to say, part of lots sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two and twenty-three in the tenth concession, and lots sixteen, seventeen, eighteen, nineteen, twenty and twenty-one in the eleventh concession of the Township of Wallace, in the County of Perth, with parts of lots nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four and twenty-five in the first concession of the Township of Minto in the County of Wellington.

Limits defined.

3. The said Town of Palmerston shall be divided into three wards to be called North Ward, East Ward, and West Ward ;

Wards.

1. The North Ward shall be composed of all that portion of the village situate, lying and being in the Township of Minto ;

2. The East Ward shall be composed of all that portion of the village situate and lying in the said Township of Wallace, and being east of Queen Street, and east of the main line of the Wellington, Grey and Bruce Railway ;

3. The West Ward shall be composed of all that portion of the village situate and lying in the said Township of Wallace, and being west of Queen Street, and west of the main line of the Wellington, Grey and Bruce Railway.

4. Immediately after the passing of this Act, it shall be lawful for J. R. Hamilton, of the said Village of Palmerston, who is hereby appointed the returning officer to hold the nomination for the first election of mayor, reeve and councillors at the school house in the said town, at the hour of noon, and he shall give one week's notice thereof in a newspaper published in the said town, (or if no newspaper published therein then in the nearest paper published in the locality,) and on the same day also by one week's written notice posted up in at least two conspicuous places in each ward of the said town, of such nomination; and he shall preside at such nomination, or in case of his absence, the electors present shall choose from among themselves a chairman to officiate, who shall have all the powers of a returning officer; and the polling for the said election shall be held on the same day of the week, in the week next following the said nomination.

First election of mayor, etc.



Duties of returning and deputy returning officers.

5. The said returning officer shall by his warrant appoint a deputy returning officer for each of the wards into which the said town is divided; and in the discharge of their duties, each returning officer and deputy returning officer shall, before holding the said election, take the oath or affirmation now required by law, and shall be respectively subject to all the provisions of the existing Municipal Acts applicable to returning officers at elections in towns, as far as the same do not conflict with this Act; and the said returning officer shall have all the powers, and perform the several duties of town clerks with respect to Municipal Elections in towns.

Assessment rolls of Wallace and Minto, furnishing of.

6. The clerks of the said Townships of Wallace and Minto, and any other officers thereof respectively shall upon demand made upon him or them by the said returning officer or any other officer of the said town, at once furnish the said returning officer or other officer of said town, with a certified copy of so much of the last revised assessment roll for the said village and townships as may be required to ascertain the persons entitled to vote at such first election, or with the collector's roll, document, writing, statement or deed that may be required, and the said returning officer shall furnish each of his said deputies with true copies of the said roll as far as the same relates to the voters resident in the several wards in the said town, and so far as such assessment roll contains the names of the male freeholders and householders rated thereon, which copies shall be verified on oath, or as is now required by law.

Council, of whom composed.

7. The council of the said town to be elected in manner aforesaid shall consist of the mayor, who shall be the head thereof, a reeve, and three councillors for every ward; and they shall be organized as a council on the same day of the week next following the week of the polling, or if there be no polling, on the same day of the week next following the week of the said nomination; and at subsequent elections in the same manner as in towns incorporated under the provisions of the Municipal Act of Ontario; and have, use, and exercise the powers and privileges vested in the mayor and councillors in incorporated towns.

Oaths of office, &c.

8. The several persons who shall be elected or appointed under this Act shall take the oath of office and of qualification in the manner now prescribed by law, and in accordance with this Act.

Qualification of electors.

9. At the first election of mayor, reeve and councillors, the qualification of electors and of the officers required to qualify shall be the same as that required in the townships, and that of the mayor shall be the same as that of reeve in townships.

Town a separate municipality.

10. From and after the holding of the election under this Act, the said town shall cease to form any part of the said Townships



ships of Wallace and Minto respectively, and shall to all intents and purposes, form a separate and independent municipality, with all the rights, privileges, and jurisdiction of an incorporated town in Ontario, and shall be attached to and form part of the County of Wellington.

11. The council of the said town shall be entitled to recover from the said Townships of Wallace and Minto respectively, such share of all moneys on hand, due, owing, or of right collectable by, and belonging to, the said townships respectively, at and prior to the said time of incorporation, or thereafter, if entitled thereto, as shall bear such proportion to the whole as the amount of the assessed property within the limits of the said town, as shown by the assessment roll of the year one thousand eight hundred and seventy four bears to the whole amount of the assessed property of the said townships respectively; and the said town shall be liable to pay to the said townships respectively, a share in the same proportion of all debts and liabilities existing against the said townships respectively, at the time this Act shall come into force, as the same shall become due; and in case of disagreement, the same shall be determined by arbitration under the Municipal Institutions Act.

Rights and liabilities between the town and townships.

12. The expenses of any assessment imposed for the present year, so far as the same relates to assessments made within the limits of the said town, and incurred to obtain this Act, and of furnishing any documents, copies of papers, writings, deeds or any matter whatsoever required by the clerk or other officer of the council of the said townships respectively, or otherwise, shall be borne and paid by the said town council to the said township councils respectively, or any other party entitled thereto.

Certain expenses made payable by the town.

## CAP. XXXIV.

### An Act to incorporate the Town of Thorold.

[Assented to 21st December, 1874.]

**W**HEREAS the population of the Village of Thorold in the County of Welland is rapidly increasing, and owing to the situation and location of the said village on the present and proposed enlarged Welland Canal, it is likely to become a large manufacturing place, and attract the trade of a large, populous and wealthy section of country; And whereas the council of the said village have by their petition represented that the incorporation of the said village as a town would promote its future progress and prosperity, and enable its inhabitants to make suitable regulations for the protection and improvement

Preamble.

provement of property, and to carry out improvements they are desirous of making, and that a portion of the Township of Thorold should be included in the said town :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

**Incorporation.** 1. On and after the first day of January, in the year of our Lord, one thousand eight hundred and seventy-five, the inhabitants of the said Village of Thorold shall be and they are hereby constituted a corporation or body politic, under the name of "The Corporation of the Town of Thorold," and shall enjoy and have all the rights, powers, and privileges enjoyed and exercised by incorporated towns in the Province of Ontario, under the existing municipal laws of the said Province.

**Extent of the town.** 2. The said Town of Thorold shall comprise and consist of the present Village of Thorold and of lots numbers one, two, three, four, five, six and fourteen of the Township of Thorold.

**Wards.** 3. The said Town shall be divided into four Wards to be called respectively St. George's Ward, St. Andrew's Ward, St. Patrick's Ward, and St. David's Ward.

1. St. George's Ward shall be composed of that part of the said Town described as follows : commencing at the intersection of Front Street by Albert Street, thence southerly along Front Street to the Mill Race running past John Brown's Cement Mill ; thence along said race to the waste Wear New Lock number Twenty-five ; thence west across said wear to the Welland Canal ; thence along the said Canal to the southerly limits of the said Town, and thence along the southerly and easterly limits of the said Town, always following the direction thereof to a line produced east from the east end of Albert Street to the eastern limit of the said town ; and thence west along the last mentioned line and Albert Street to the place of beginning ;

2. St. Andrew's Ward shall be composed of that part of the Town described as follows : commencing at the intersection of Front Street by Albert Street ; thence northerly along Front Street to the Concession line between the Townships of Thorold and Grantham ; thence easterly along the said Concession line to the eastern boundary of the said town ; thence southerly along the said eastern boundary, always following the direction thereof to a line produced east from the east end of Albert Street to the eastern limit of the said town ; and thence westerly along the last mentioned line and Albert Street to the place of beginning ;

3. St. Patrick's Ward shall be composed of that part of the said Town described as follows : commencing at the intersection of Front Street by Albert Street ; thence southerly along Front Street to the said Mill Race ; thence along said Race to the said Weir ; thence west across said Weir to the said Canal, thence along the said Canal to the southerly limit of the said Town

Town; and thence along the southerly and western limits of the said Town, always following the direction thereof to a line produced west, from the west end of Albert Street to the western limit of the said town; and thence east along the last mentioned line and Albert Street to the place of beginning;

4. St. David's Ward shall be composed of that part of the said Town described as follows: commencing at the intersection of Front Street by Albert Street; thence northerly along Front Street to the Concession line between the Townships of Thorold and Grantham; thence westerly along the said Concession line to the western limit of the said town; thence along the said western limit to a line produced west from Albert Street to the said western limit; and thence east along the last mentioned line, and Albert Street to the place of beginning.

4. After the passing of this Act it shall be lawful for William T. Fish, who is hereby appointed the returning officer, to hold the nomination for the first election of mayor, reeve and councillors at the town hall in the said Town of Thorold, at the hour of noon on the day appointed by law for holding the municipal elections for towns, of which he shall give at least four days' notice in writing posted up in at least two of the most public places in each of the wards of the said Town; and the said William T. Fish shall preside at the said nomination, or in case of his absence the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer; and the polling for the said election shall be held on the day for holding municipal elections for towns according to law; and the returning officer or chairman shall, at the close of the nomination, publicly announce the place in each ward at which the polling shall take place.

5. The said returning officer shall, by his warrant, appoint a deputy returning officer for each of the wards into which the said town is divided; and such returning officer and each of such deputy returning officers shall, before holding the said election, take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario, applicable to returning officers at elections in towns, in so far as the same do not conflict with this Act; and the said returning officer shall have all the powers and perform the several duties devolving on town clerks with respect to municipal elections in towns.

6. The clerk of the said Township of Thorold and any other officer thereof shall, upon demand made upon him by the said returning officer, or any other officer of the said town, or by the chairman hereinbefore mentioned, at once furnish such returning officer, officer or chairman, with a certified copy of so much of the last revised assessment roll for the said township as may be required to ascertain the names of the persons entitled to vote



Copies to be  
furnished to  
deputy return-  
ing officer.

vote in each of the said wards at the said first election, or with the collector's roll, document, statement, writing or deed, that may be required for that purpose: And the said returning officer shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of electors entitled to vote in each of the said wards respectively, and each such copy shall be verified on oath.

Council, of  
whom to be  
composed.

7. The council of the said town to be elected in manner aforesaid, shall consist of a mayor, who shall be the head thereof, a reeve and eight councillors, two councillors being elected for each ward; and they shall be organized as a council on the same day of the week next following the week of the polling, or, if there be no polling, on the same day of the week next following the week of nomination; and subsequent elections shall be held in the same manner, as in towns incorporated under the provisions of the municipal laws of Ontario; and the said council and their successors in office shall have, use, exercise, and enjoy all the powers and privileges vested by the said municipal law in town councils, and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.

Elections.

Powers, li-  
abilities, &c.

Declaration of  
office and  
qualification.

8. The several persons who shall be elected or appointed under this Act shall take the declarations of office and qualification now required by the municipal laws of Ontario, to be taken by persons elected or appointed to like offices in towns.

Qualification of  
electors and  
officers.

9. At the first election of mayor, reeve and councillors for the said Town of Thorold, the qualification of electors and that of the officers required to qualify shall be the same as that required in villages by the municipal laws of Ontario.

Expenses of  
furnishing  
documents, &c.

10. The expenses incurred to obtain this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matters whatsoever required by the clerk or other officer of the said town, or otherwise, shall be borne by the said town and paid by it to any party that may be entitled thereto.

Existing by-  
laws conti-  
nued.

11. All By-Laws and Municipal regulations which are in force in the village of Thorold shall continue and be in force as if they had been passed by the Corporation of the Town of Thorold, and shall extend to and have full effect within the limits of the Town hereby Incorporated.

Village of  
Thorold debts  
and property  
to be assumed  
by the town.

12. The property, assets, debts, liabilities and obligations of the Village of Thorold shall belong to and be assumed and paid by the Corporation of the Town of Thorold.



## CAP. XXXV.

## An Act relating to the incorporation of the Village of Wroxeter.

[Assented to 21st December, 1874.]

**W**HEREAS certain inhabitants and ratepayers of the Village of Wroxeter in the County of Huron, by their petition represent that the by-law (12), hereinafter mentioned was duly passed by the council of the corporation of the County of Huron on the fourth day of December in the year of our Lord one thousand eight hundred and seventy-four; And whereas, under section eighty-six of the Act respecting Municipal Institutions in the Province of Ontario, the first election under a by-law erecting a locality into an incorporated village should take place on the first Monday in January next after the end of three months from the passing of the by-law by which the change was made, and that until such day the change should not go into effect, and that it would be productive of great benefit to the petitioners that the election to be held on the first Monday of January next should be confirmed:

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said by-law of the county council of Huron, a copy of which is set forth in the Schedule to this Act annexed, marked A, incorporating the Village of Wroxeter is hereby confirmed as if the incorporation of the said village had gone into effect on the twenty-fifth day of December one thousand eight hundred and seventy-four.

By-law of County of Huron confirmed.

2. The election of reeve and councillors for the Village of Wroxeter to be held under the said by-law is hereby confirmed; and the reeve of the said Village of Wroxeter then elected shall have a seat in the county council for the County of Huron for the year one thousand eight hundred and seventy-five.

Election of reeve, etc.

3. Except as herein specially enacted, all the provisions of the Acts passed by the Legislature of this Province respecting Municipal Institutions in the Province of Ontario, are hereby declared to apply to the said village in the same manner and to the same extent in all respects as if the said village had been incorporated under the provisions of those Acts.

Municipal Acts to apply.

## SCHEDULE.

No.	By-law	1874,
constituting the Village of Wroxeter in the Townships of Howick and Turnberry in the County of Huron an incorporated village, and defining the limits thereof.		

H

Whereas

Whereas over one hundred resident freeholders and householders (one half of whom are freeholders of the unincorporated village at present known as the Village of Wroxeter in the Townships of Howick and Turnbery in the County of Huron have, by petition to the council of the County of Huron, petitioned that the said village within the limits and boundaries hereinafter mentioned, may be erected into an incorporated village apart from the said Townships of Howick and Turnbery; And whereas by and under the direction of the county council of the said County of Huron, a census has been taken by Wm. Small, Esquire, of the number of inhabitants confirmed within the limits which are hereinafter described and provided to be erected into an incorporated village and by such census duly passed before the said county council, it is shown that the said limits contain seven hundred and sixty-four inhabitants (764).

Be it therefore enacted by the council of the corporation of the County of Huron, and the said Council hereby enacts as follows :

1st. That the following limits, that is to say five acres along the south side of the east half of lot twenty-five, concession A, and that portion of the west half of the same lot that is not under water containing forty-eight acres; all that portion not under water of lot twenty-six concession A, containing eighty-five acres; all of lots twenty-seven and twenty-eight and five acres in the north west corner of lot twenty-nine in concession A; all of lot twenty-five concession B, excepting fifteen acres under water and ten acres of park lots numbers one, two and three sub-divisions of said lot twenty-five concession B, north of the Toronto, Grey and Bruce Railway, containing seventy acres; twenty-four acres of the south part of lot one concession 9, being all that portion of said lot south of the northerly limits of the Toronto, Grey and Bruce Railway that is not under water; all of that portion of lot twenty-six concession B that is north of the River Maitland, containing one and a half acres; ten acres of the west part of lot twenty-seven concession B; three acres of the north-west corner of lot twenty-eight concession B, covering an area of four hundred and fifty-one and a half acres in the Township of Howick: two acres in the south-east corner of lot twenty-four concession C Turnbery; six acres of lot twenty-five; six acres of lot twenty-six; six acres of lot twenty-seven; six acres of lot twenty-eight, and six acres of lot twenty-nine, all in concession C, Turnbery and fronting on the Gravel Road, making thirty-two acres in Turnbery and covering an area in both said townships of four hundred and eighty-three and a half acres be erected and constituted into an incorporated village separate and apart from the Townships of Howick and Turnbery under and subject to the several provisions of the Municipal Acts of the Province of Ontario.

2nd. That the said village incorporated by this by-law is hereby incorporated by the name of Wroxeter.

3rd.

3rd. That the first election for reeve and councillors for the Village of Wroxeter shall be held in the office connected with the saw mill in the said Village of Wroxeter on the day and in the manner provided for the annual municipal elections under the Municipal Acts of the Province of Ontario, 36th and 37th Victoria.

4th. That William Small, Esq., is hereby appointed the returning officer to hold the said first election.

5th. That this by-law shall take effect from and after the 25th day of December, 1874.

WM. YOUNG,  
*Warden.*

Passed December 4th, 1874.

PETER ADAMSON,  
*County Clerk.*

[L. S.]

## CAP. XXXVI.

An Act to give effect at the ensuing election in January, one thousand eight hundred and seventy-five, to the Proclamation dated seventh November, one thousand eight hundred and seventy-four, erecting the Village of Listowel into a Town.

[Assented to 21st December, 1874.]

**W**HEREAS the Incorporated Village of Listowel, in the Preamble.  
County of Perth, has been, by proclamation in the *Ontario Gazette*, erected into a town; And whereas, the publication of said proclamation has not been made within the time required by the Statute for the same to take effect at the ensuing Municipal elections in January, one thousand eight hundred and seventy-five; And whereas, three of the rate-payers of the said Corporation of the Village of Listowel, in behalf of the Corporation of said Village, have by petition asked for a Bill to give effect to said proclamation at the next Municipal elections in January, one thousand eight hundred and seventy-five; And whereas, it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The proclamation erecting said Village into a Town and dated the seventh November, one thousand eight hundred and seventy-four, shall become operative and take effect, and the elections thereunder shall proceed, at the next ensuing Municipal Proclamation to take effect at election in 1875.

pal elections in the year one thousand eight hundred and seventy-five the same as if said proclamation had been published for three months previous to said Election, as required by the Act that behalf.

## CAP. XXXVII.

An Act to give effect at the ensuing election in January, one thousand eight hundred and seventy-five, to the Proclamation dated twenty-first November, one thousand eight hundred and seventy-four, erecting the Village of Clinton into a Town.

[Assented to 21st December, 1874.]

### Preamble.

WHEREAS the incorporated village of Clinton in the County of Huron has been by proclamation in the *Ontario Gazette* erected into a town; And whereas, the publication of said proclamation has not been made within the time required by the eighty-sixth section of the Act passed in the thirty-sixth year of the reign of Her present Majesty and chaptered fifty-eight, for the same to take effect at the ensuing municipal elections in January one thousand eight hundred and seventy-five; And whereas, the Reeve of the said corporation of Clinton in behalf of the corporation of said Village has by petition asked for a bill to give effect to said proclamation at the next municipal elections in January one thousand eight hundred and seventy-five; And whereas, it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Proclamation erecting Clinton into a town to take effect at next election.

1. The proclamation erecting the said village of Clinton into a town, and dated the twenty-first day of November, one thousand eight hundred and seventy-four, shall become operative and take effect, and the elections thereunder shall proceed at the next ensuing elections in the year one thousand eight hundred and seventy-five, the same as if said proclamation had been published for three months previous to said election as required by statute in respect thereto.



## CAP. XXXVIII.

An Act to enable the Municipality of the Township of Madoc, and the Municipality of the Townships of Tudor, Wallaston, Limerick and Cashel respectively, to exempt from taxation certain property employed and used in connection with the development of the mineral resources within the said Municipalities.

[Assented to 21st December, 1874.]

**W**HEREAS the Municipality of the Township of Madoc, Preamble.  
and the Municipality of the Townships of Tudor, Wallaston, Limerick and Cashel, by their petitions have represented that John B. Maas and other persons associated with him, are engaged in prosecuting and carrying on the operation or business of mining and smelting within the said municipalities and otherwise developing the mineral resources thereof; and that it is desirable with a view to the encouragement of the same and the promotion of the interests of the said municipalities, that the real and personal estate used in connection with the said business and operations should be exempted from taxation; And whereas, it is expedient to grant the prayer of the said petitions:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. It shall and may be lawful for the Council of the Municipality of the Township of Madoc, and the Council of the Municipality of the Townships of Tudor, Wallaston, Limerick and Cashel respectively, to pass by-laws exempting from municipal and school taxation for a period not exceeding twenty years, the whole or part of the real and personal estate of the said John B. Maas and other persons associated with him, situated respectively within the said municipalities, and used and employed therein by the said John B. Maas and other persons associated with him, under any name or style in the operation or business of mining and smelting, and such by-laws shall be binding upon all rate-payers of the said municipalities respectively, and all other persons whomsoever.

Certain properties of J. B. Maas and others may be exempted from taxation.

## CAP. XXXIX.

An Act to authorize the corporation of the City of Ottawa to mortgage the Wellington Ward Market property and other property therein mentioned, for a sufficient sum to erect suitable market buildings thereon.

[Assented to 21st December, 1874.]

## Preamble.

**W**HEREAS the corporation of the City of Ottawa are possessed of a certain piece of ground in the said city, known as the Wellington Ward Market, bounded on the north by Wellington street in the said City of Ottawa, on the east by lot eleven, measuring westward on the south side of Wellington street aforesaid, and lot number eleven, measuring westward on the north side of Sparks street in the said City of Ottawa, and on the south by Sparks street aforesaid, and on the west by the eastern boundary of lot number twelve, measuring westward on the north side of Sparks street aforesaid, and of lot number twelve, measuring westward on the south side of Wellington street aforesaid; And whereas, the said corporation of the City of Ottawa have lately acquired and are now possessed of lots numbers nine, ten and east half of lot eleven, measuring westward on the south side of Sparks street aforesaid, and lots nine, ten and east half of lot eleven, measuring westward on the north side of Queen street in the said city for the purpose of extending said Wellington Ward Market; And whereas, the corporation of the City of Ottawa have by their petition set forth that the building on the said Wellington Ward Market grounds is unsuitable for the requirements of the inhabitants of the City of Ottawa, and the corporation of the City of Ottawa are desirous to mortgage the said market grounds and the said lots numbers nine, ten and east half of lot eleven, measuring westward on the south side of Sparks street in the City of Ottawa aforesaid, and lots nine, ten and east half of lot eleven, measuring westward on the north side of Queen street in the said City of Ottawa so acquired for the extension of said market as aforesaid, to raise a sufficient sum of money to erect on the said Wellington Ward Market grounds and on the said lots of land aforesaid, buildings for market purposes suitable to accommodate the inhabitants of said city, and have prayed that they may be enabled to do so; and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

as to mortgage certain lands to erect market buildings

1. The Corporation of the City of Ottawa aforesaid are hereby authorized and empowered to raise by way of loan from any person or persons, body or bodies corporate, who may be willing to advance the same, such sum and sums of money as the

the council of the said corporation may deem expedient and necessary for the purpose of erecting on the said Wellington Ward Market grounds and on the said lots nine, ten and the east half of lot eleven, measuring westward on the south side of Sparks street aforesaid, and said lots nine, ten and east half of lot eleven, measuring westward on the north side of Queen street aforesaid, buildings for market purposes suitable to accommodate the inhabitants of the said city, and at such rate of interest as the said council shall agree upon; and for security therefor and interest thereon to grant mortgage and assure the land belonging to the said Corporation known as the said Wellington Ward Market ground and the market building thereon and the said lots nine, ten and east half of lot eleven aforesaid, on the south side of Sparks street aforesaid, and said lots nine, ten and east half of lot eleven on the north side of Queen street aforesaid.

### CAP. XL.

An Act to amend the Act consolidating the debt of the Town of Peterborough, and to make further and better provisions for the relief of the supporters of the Roman Catholic Separate School in the said Town of Peterborough, in the matter of the Union School Indebtedness of the said Town.

*[Assented to 2st December, 1874.]*

**W**HEREAS by the Act of the Parliament of the late Province of Canada passed in the twenty-fourth year of Her Majesty's reign, chaptered sixty-one, provision is made for the consolidation of the debt of the Town of Peterborough by vesting the assets of the said town in the commissioners therein named, who were empowered to issue debentures from time to time for the redemption of outstanding liabilities of the said town; And whereas, it was also provided by the said recited Act that a sum equal to the sum collected from the supporters of the Roman Catholic Separate School in the said Town of Peterborough for the payment of the interest and sinking fund upon so much of the debentures of the said town as might be outstanding or as might thereafter be issued under the authority of the said Act for the erection of the school building known as the Union school should be paid to the trustees of the said separate school on or before the thirty-first day of December in each year; And whereas, in pursuance of the said last recited provision of the said Act, injustice was found to be done to the supporters of the said Roman Catholic Separate School by reason of the said moneys so required to be refunded to them being necessarily in part collected from themselves, and it is desirable that the said Act be so amended as to remove such cause of complaint:

Therefore



Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

24 Vic., c. 61 s.  
6, amended.

**1.** The sixth section of the said recited Act shall be and the same is hereby repealed, and the following section substituted in lieu thereof, so as to read as follows :

6. It shall be lawful for the commissioners, and they are hereby required, on or before the first day of July in each year to submit to the corporation of the said Town of Peterborough the amount required for the payment of the interest due upon debentures issued under this Act, together with one per centum of a sinking fund for the final payment, satisfaction and discharge thereof, distinguishing in such demand the amount required by them for the payment of the interest and the said sinking fund in respect of the union school indebtedness; and the town council shall thereupon impose a special rate equal to the amount so required by the commissioners other than that required in respect of the said union school indebtedness over and above and in addition to all other rates to be levied in such year; and shall also impose a further special rate upon such of the rate-payers of the said Town of Peterborough as shall not be supporters of the said Roman Catholic Separate School for the said Town of Peterborough, equal to the amount so required by the commissioners for the payment of the interest and sinking fund of the said union school indebtedness over and above and in addition to all other rates to be levied in such year; and the money so collected shall be paid over by such corporation to the said commissioners on or before the fourteenth day of December in each year; and any treasurer, collector or other municipal officer, or any member of the municipal council wilfully neglecting or refusing to perform, or concur in performing any official act requisite for the collection of the said rate, or misapplying or being a party to the misapplication of any portion of the proceeds thereof, shall be held guilty of a misdemeanor; and such treasurer, collector or other municipal officer or member and his sureties, if any, shall moreover be personally liable for any sum which by reason of such neglect, misconduct, refusal or misapplication shall not be paid to the said commissioners at the time required by this Act; Provided further, that no portion of the interest or sinking fund upon the debentures aforesaid shall be paid out of the casual revenues of the said town.

Section 12,  
amended.

**2.** Section number twelve of the said recited Act is hereby repealed, and the following section substituted therefor :

12. The said commissioners shall annually on or before the fifteenth day of January in each year, render an account to the Town Council of all moneys received and expended, and also of all debentures issued during the then preceding year, as well as of all outstanding debentures; and the books containing the transactions of the commissioners shall be open for the inspection of the rate-payers of the said Town at all reasonable hours.

CAP.



## CAP. XLI.

An Act to legalize and confirm the survey of the line between the fourth and fifth Concessions of the Township of Eldon in the County of Victoria, between lots numbers thirteen and twenty-four, as made by C. G. Hanning, Esquire, P. L. S.

[Assented to 21st December, 1874.]

**W**HEREAS a part of the original survey of the line between the fourth and fifth concessions in the Township of Eldon has for many years been obliterated, and the lands on each side of the said line have been held by the settlers and holders thereof, according to certain surveys which have always been regarded as correct; And whereas, by order of the Honourable the Commissioner of Crown Lands, C. G. Hanning, Esquire, P. L. S., has lately made a survey of the said line, marking out the lots on both sides of the said line as at present held by the owners thereof; And whereas, it would work great injustice to the owners of the lands on each side of the said line, to legalize any other survey than that of the said C. G. Hanning: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The survey of C. G. Hanning, Esquire, Provincial Land Surveyor, of the line between the fourth and fifth concessions of the Township of Eldon, in the County of Victoria, between lots thirteen and twenty-four inclusive, a plan of which, dated the twenty-third day of August, in the year of our Lord one thousand eight hundred and seventy-three, with the report and field notes is filed in the office of the Honourable the Commissioner of Crown Lands, showing the front angles of the several lots on both sides of the said line, is hereby declared to be the true and unalterable survey of the said line, between the said lots thirteen and twenty-four, both inclusive as aforesaid; and the several lots on both sides of the said line shall front on the said line, and bear the number as set forth in said survey as laid down on the said map or plan so filed as aforesaid. Survey of C. G. Hanning in Eldon confirmed.

## CAP. XLII.

An Act respecting allowances for Roads on the blank alternate Concession Lines in the Townships of Westmeath and Ross, in the County of Renfrew.

[Assented to 21st December, 1874.]

## Preamble.

WHEREAS the Corporations of the Townships of Westmeath and Ross, in the County of Renfrew, have by their joint petition represented that the said townships adjoin each other, and were both originally surveyed by the same land surveyor, the surveys commencing in or about the year 1831; that the said townships were surveyed into lots containing two hundred acres each; that in the said original surveys of said townships only every alternate concession line was run on the ground, with cross or proving lines between every fifth lot; that the said corporations always understood and believed that an allowance for road of one chain in width was made for the line, between the alternate concessions so run on the ground in the said original surveys; that in all surveys made in said townships since they were first surveyed, sufficient land has been found between the lines actually run on the ground to allow two hundred acres for the lots in each concession, and one chain for road between the said concessions; that many lots in each of the said townships have been patented in half lots of one hundred acres each, and so as to front on what are called the blank lines between the said concessions; that acting in good faith and believing that an allowance for road on said blank lines of one chain in width was so made in the said original surveys, they caused to be opened up many parts and portions of said blank lines in each of said townships, and have made the same into public highways, and expended large sums of money thereon; that lately the existence of such an allowance for road on said blank alternate concession lines has been questioned, that it would be of importance to the inhabitants of said townships, that the said allowances for roads on said blank alternate concession lines should exist beyond all doubt or question, and that the said corporations should be freed from all apprehension of legal proceedings being taken against them for causing the said blank alternate concession lines to be opened up and improved; that unless the said blank alternate concession lines be further opened up and improved, many settlers in said townships will be without any public highway or allowance for road to reach their lands, and such portions of the said lines as have been opened up may be closed by the owners of the adjoining lands and very great trouble and inconvenience occasioned to the inhabitants of said townships and the councils thereof, and have prayed that an Act might be passed enacting that in the said townships, there shall be an allowance

allowance for road one chain in width left upon and for all the said blank alternate concession lines; and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In the Townships of Westmeath and Ross, in the County of Renfrew, there shall be an allowance for road of one chain in width upon and for each of the blank alternate concession lines which were not run on the ground in the said original surveys of said Townships.

Allowances for roads in Westmeath and Ross.

2. The said corporations shall respectively make compensation to the owners of the lands adjacent to or constituting such roads as shall be opened under the provisions of this Act, for all improvements made by them or any one under whom they claim title before the passing of this Act upon the roads hereby provided for; the amount of such compensation to be determined by arbitration under the provisions of the Municipal Act of 1873.

Compensation to owners

### CAP. XLIII.

An Act to alter the Town-Line dividing the Townships of Tilbury East and Romney in the County of Kent.

[Assented to 21st December, 1874.]

WHEREAS the Municipal Council of the Townships of Tilbury East and Romney, in the County of Kent, have by their petition represented that certain lots of land on what is known as the Talbot Road in the said Townships are intersected by the Town Line dividing the said Townships, much to the injury of the said Lots and to the inconvenience of the owners thereof, and have prayed for an Act to alter the said Town Line; And whereas, it is expedient to grant the prayer of the said petition:

Pre. mb

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said Town Line, from the point where it intersects the Talbot Road Lots in number one hundred and eighty-one of the said Lots and thence easterly to the easterly limit of number one hundred and seventy-four of the said Lots, be permanently closed and cease to be a dividing line and public highway, and that in lieu thereof the road in rear of the said Talbot Road Lots from the point where it joins the said Town Line

Town line established.

Line

Line in rear of the said Lot numbered one hundred and eighty-one, and thence north-easterly to the line between numbers one hundred and seventy-seven and one hundred and seventy-eight of the said Talbot Road Lots, and a new road thence along the said line between the said Lots numbered one hundred and seventy-seven and one hundred and seventy-eight to Lake Erie, be established as the Town Line dividing the said Townships.

Certain lands  
annexed to  
Tilbury East,  
and others to  
Romney.

2. That such portions of the said Lots numbered one hundred and seventy-four, one hundred and seventy-five, one hundred and seventy-six and one hundred and seventy-seven respectively, as are situated south of the said Town Line hereby annulled, be annexed to the said Township of Tilbury East, and that such portions of the said Lots numbered one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty and one hundred and eighty-one respectively, as are situated north of the said Town Line be annexed to the said Township of Romney.

#### CAP. XLIV.

An Act to enable the Corporation of the City of Kingston to close up a part of Union Street with the water slip in front of the same in the said city, and for other purposes.

[Assented to 21st December, 1874.]

Preamble.

**W**HEREAS the Corporation of the City of Kingston have by their humble petition in that behalf, prayed that an Act may be passed enabling the said Corporation to close up a part of Union Street with the water slip in front of it in the said city, without providing other accommodation in substitution, for the purpose of forming part of the site of a proposed graving dock proposed to be constructed in connection with the ship-building yard of W. Power & Sons, ship-builders, of the said city; And whereas, it appears that the proprietors and occupants of the property adjoining the said part of the said street and the said water slip, have consented to the permanent closing up of the same and the appropriation of the same for the said purpose; And whereas, it appears that the said part of said street and said slip may be so closed up and appropriated without prejudice or inconvenience to the inhabitants of the said city or to the public interests, but on the contrary with advantage to both; And whereas, it is expedient to grant to the said Corporation of the city of Kingston the powers required in the premises so far as this Legislature has jurisdiction in that behalf:

Therefore



Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. So far as this Legislature has jurisdiction to grant such authority and right, it shall and may be lawful to and for the Council of the Corporation of the City of Kingston to pass a by-law closing up the part of Union Street in the said city lying south-east of a line running across the said street at right angles sixty-one feet distant south-east boundary of Ontario Street, in the said city, reserving a way or lane twelve feet wide along the south-westerly side of said Union Street for a distance of one hundred and eighteen feet south-east from the line first above mentioned; and also closing up the water slip in front of said Union Street outwards until a depth of sixteen feet of water at the usual low water mark is reached; and also freeing and exonerating the part of said Union Street and said water slip in front thereof, so authorized to be closed up, from any public uses, trusts or purposes with which the same are now charged, or to which the same are now subject; and it shall not be necessary for the said Corporation to provide any other street or slip, in lieu of those so to be closed up; and such by-law may be passed by the said council without the publication or giving of any notices thereof, or other formalities required by the Act respecting Municipal Institutions, or other Act.

Part of Union Street may be closed up.

and the water slip in front.

2. From and after the passing of the said by-law by the said council, the said part of Union Street with the water slip in front thereof to the limit aforementioned by the said by-law so to be closed up, and freed and exonerated as aforesaid, shall be from thenceforth forever closed up and divested of, and freed and exonerated from, all public uses, trusts, rights and purposes whatsoever, to which the same are now, or may be subject, or otherwise; and said part of said street shall from thenceforth cease to be a public street or highway, and said water slip, within the said limit shall from thenceforth cease to be a public slip, or part of the public harbour of the said city; and the same and each of them shall, upon the passing of the said by-law become, and be vested in fee simple in the said The Corporation of the City of Kingston, their successors and assigns, freed and exonerated, and discharged as aforesaid, as if the same never had been part of a public street and of a public harbour as aforesaid; and the said Corporation is hereby licensed and authorized to take and hold the same in fee simple, and to grant, sell or lease the same for the purposes of a graving dock as aforesaid, upon such terms, conditions and limitations as to the said corporation shall seem meet and proper, to the said W. Power & Sons, or upon their default to such other persons as may be able and willing to undertake the construction of a graving dock, and the carrying on of the same; and no prosecution, action, suit, or proceeding shall lie or be maintained against the said Corporation or their successors, servants, or officers, or grantees, or lessees

Part of Union Street to cease to be a public street, and the water slip cease to be public after the by-law.

Power to sell, &c.

essees for, or by reason of any matter or thing done or permitted by them or any of them in closing up and keeping closed up the part of said Union Street with the water slip in front of the same to the limit aforementioned, authorized to be closed by this Act, and the construction of the said proposed graving dock thereon; but nothing in this section contained shall protect them or any of them from the consequences of any unlawful Act, and this section shall have force and effect to the extent and so far only as this Legislature has jurisdiction to enact the same.

Dock to be  
fenced.

3. The said graving dock during construction and when constructed shall be properly fenced from the open and public part of Union Street, and shall be kept so fenced afterwards at all times for the protection of the public, and all sewers and drains shall be secured a proper and sufficient fall and outlet.

## CAP. XLV.

### An Act respecting the Belleville and North Hastings Railway Company.

[Assented to 21st December, 1874.]

Preamble.

WHEREAS the Belleville and North Hastings Railway Company, have by their petition represented that the large bulk of their expected traffic will consist of iron ore, and that their cars with said iron ore will, for a considerable distance, pass over a part of the southerly end of the line of the Grand Junction Railway to the Bay of Quinte for shipment; that the south end of the said Company's Railway passes along Pinnacle Street, in the Town of Belleville; and that the petitioners, fear the traffic of both Companies passing over said street may be attended with inconvenience to all concerned; and have prayed for power to make and construct a line of railway from a point on said Grand Junction Railway, north or south of the crossing thereby of the Grand Trunk Railway to the waters of the Bay of Quinte; And whereas, it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to con-  
struct branch  
line from  
Grand Junc-  
tion Railway, to  
Bay of Quinte.

1. The Belleville and North Hastings Railway Company shall have the power to construct a line of railway from some point on the Grand Junction Railway, north or south of the line of the Grand Trunk Railway, to the waters of the Bay of Quinte and for the purposes of the said Belleville and North Hastings Railway Company, and of the branch hereby authorized, the said

said the Belleville and North Hastings Railway Company shall have the right to acquire by purchase or in the same manner that provision is made for acquiring right of way for the said Railway Company by the Act of incorporation thereof or by any other Act applicable thereto, land sufficient on the Bay of Quinte for the depositing of iron ore, coal, cordwood, lumber, and other freight, and also the privilege of acquiring water front on the said Bay of Quinte for the construction of docks and wharves for the purposes of the said Company; and the said line or branch hereby authorized shall be part of the works and undertaking comprised in the said Act of incorporation of the said the Belleville and North Hastings Railway Company, and the provisions of said Act and all Acts which apply to the Belleville and North Hastings Railway Company shall apply to the said line by this Act authorized as aforesaid.

2. The said Belleville and North Hastings Railway Company are hereby empowered to construct a Branch Line of Railway from some point south of Hog Lake on the Main line on the said the Belleville and North Hastings Railway to the village of Bridgewater, in the Township of Elzevier, via the village of Tweed in the Township of Hungerford; and the provisions of all Acts which apply to the main line of the said Belleville and North Hastings Railway Company, shall apply to the Branch Line by this section authorized.

Power to construct a branch line to Bridgewater.

## CAP. XLVI.

An Act to amend the Act intituled "An Act to incorporate The Erie and Huron Railway Company, and to extend the powers conferred upon the said Company."

[Assented to 21st December, 1874.]

**W**HEREAS the Erie and Huron Railway Company have petitioned that an Act may be passed to amend the Act of Incorporation of said company passed in the thirty-sixth year of Her Majesty's reign and chaptered seventy, and to declare valid the by-laws passed by the Counties of Kent and Lambton on the petition of said affected portions of said counties respectively, to aid by way of bonus the construction of the said proposed Erie and Huron Railway, and to grant additional powers to said company; And whereas, it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:



Certain by-laws confirmed.

1. The several by-laws hereinafter mentioned granting aid by way of bonus to the said Erie and Huron Railway Company, namely, the by-law of the County of Kent, taxing a portion of said county, namely, on the Town of Chatham, Village of Dresden, Townships of Harwich and Chatham, and parts of the Townships of Camden and Dover, for the sum of one hundred and fifty-five thousand dollars, passed on the eighth day of June, in the year of our Lord one thousand eight hundred and seventy-four; and a by-law of the County of Lambton taxing that portion of said county comprising the Town of Petrolia, the Villages of Oil Springs, Wyoming, and Forest, the Municipality of Enniskillen, and parts of the Municipalities of Plympton and Dawn and Sombra, for one hundred and ten thousand dollars, passed the thirteenth day of October, in the year of our Lord one thousand eight hundred and seventy-four, and all debentures issued, or that may hereafter be issued, under said by-laws be, and the same severally are, hereby declared legal, binding and valid upon the respective corporations above named, and all other persons whomsoever, any law, statute, condition or proceeding to the contrary notwithstanding.

Manner of submitting by-laws to rate payers

36 Vic., c. 70, s. 20, subs. 1 & 2, repealed.

2. Section twenty and sub-sections one and two thereof of chapter seventy of the Statutes of Ontario, passed in the thirty-sixth year of Her Majesty's reign, are hereby repealed, and the following enacted instead:

Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

2. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy-reeves, or of twenty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal Act;

3. In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of twenty resident freeholders, being duly qualified voters as aforesaid;

4. In the case of two or more minor municipalities, or sections of two or more such municipalities, or of two or more such municipalities with a section or sections of one or more minor municipalities forming part of a county municipality, the petition is to be presented to the county council, describing the portions to be grouped, and defining any section by metes and bounds, and shall be that of a majority of each of the councils of such minor municipalities respectively, or of twenty resident freeholders in each of the said minor municipalities, or sections proposed to be grouped, being duly qualified voters as aforesaid;



5. For raising the amount so petitioned for by such freeholders in such portion of the municipality by the issue of the debentures of the municipality, payable in twenty years, or by annual instalments of principal with interest, and for the delivery to trustees of the debentures for the amount of said bonus at the times and on the terms specified in said petition ;

6. For assessing and levying upon all the ratable property lying within the section defined by said petition, an equal annual special rate, as near as may be sufficient to include a sinking fund for the repayment of the debentures, with interest thereon, or for the payment of the said yearly instalments, and interest, said interest to be payable yearly, or half-yearly ; which debentures the municipal councils and the wardens, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

3. The time for commencing and completing said railway is hereby extended for two years beyond the times respectively mentioned in the said Act incorporating said company, and the time limited in the condition of any by-law for the completion of any portion of the said railway shall be computed from the time of the passing of this Act, instead of the passing of such by-law.

Commence-  
ment and com-  
pletion of  
railway.

4. The said company shall run their said line from Petrolia northwards to any point on the Grand Trunk Railway between Camlachie and Forest Station on said railway, or to said last mentioned station ; and the company is hereby authorized and empowered to construct a branch line from the main line of said proposed railway to the Village of Forest in case the main line should cross or strike the Grand Trunk at any point west of Forest ; and all the rights, privileges and powers conferred upon said company by the said Act and by this Act as to the construction of the main line and obtaining the right of way or otherwise soever, shall apply to the said branch line, or in lieu of such branch line the company may make any arrangement with the Grand Trunk Railway Company for the joint use of their road from such junction to Forest, at which place the said Erie and Huron Railway Company shall establish and maintain a station of their railway.

Line of rail-  
way.  
  
Branch line to  
Village of  
Forest.

5. The said company are hereby authorized and empowered to construct a branch line from Oil City or Petrolia to the Town of Sarnia or to Point Edward ; and they may continue the Wallaceburgh branch of said road to any point on the St. Clair river and continue the same along the course of said river to Sarnia or Point Edward ; and all the rights, privileges and powers conferred by the Act of incorporation of said company, and by this Act for the construction of said proposed railway, and for obtaining the right of way or otherwise soever shall apply to said branch.

Branch line to  
Sarnia or Point  
Edward.

Agreements  
with other  
railway com-  
panies.

6. It shall be lawful for the said company to enter into any agreement with any railway company, whose line of railway crosses or that hereafter may cross the proposed railway for leasing the proposed railway or any part thereof, or the use thereof; or for the leasing or hiring any locomotives, tenders or movable property; and generally to make any leases or agreements with any or all such railway companies touching the use by the one or the other, or by said Erie and Huron Railway Company, and any of said other companies or all of them of the railways or movable property of any, or either of said companies, or of any part or parts thereof; and any such lease or agreement shall be valid and binding, and shall be enforced by any court of law according to the terms and tenor thereof; and any of the companies whose line of railway crosses said proposed railway, accepting or executing any such lease or agreement shall be, and is hereby empowered to exercise all the rights and privileges hereby conferred on the Erie and Huron Railway Company, or by the Act of incorporation of the said company: Provided, that no such agreement shall be valid unless the same shall have been sanctioned at a general meeting of the shareholders of the Erie and Huron Railway Company, specially convened for the purpose: Provided always, that such agreement or lease shall not conflict with the terms and conditions of the by-laws, or any of them, granting bonuses or aid to the said railway.

Manner of  
computing  
mileage for  
issue of bonds

7. In computing mileage for the issue of bonds under the powers conferred on said company by their Act of incorporation, all sidings shall be reckoned and included in addition to the main lines and branches of said road.

County of  
Kent by-law  
to fix rate for  
bonus

8. The corporation of the County of Kent may, and they are hereby empowered annually, to pass a by-law fixing the rate for each year to be levied on the portion of the county to be taxed for said bonus, so as to realize enough to pay the annual instalment and interest accruing due under said by-law in each year, any law, statute, by-law or usage to the contrary, notwithstanding.

County of  
Kent by-law  
to amend  
section 3 of  
by-law in aid

9. That the municipal corporation of the County of Kent may, and they are hereby authorized to amend the third section of the by-law granting aid to the said railway company hereinbefore mentioned, by making the annual instalments of principal and interest for the twenty years therein mentioned, as nearly equal as may be, computing principal and interest together, instead of levying one-twentieth of said bonus and all interest annually; and such amendments if made need not be submitted to the approval of the qualified electors entitled to vote on any money by-law, and said county or any part thereof, and that the said debentures to be issued and interest thereon therefor, may be made payable accordingly.

10. The directors of the company may, with the sanction of the shareholders, but not otherwise, make and issue, as paid up stock, stock in the said company, whether now subscribed for or not, and may allot and hand over such stock as paid up stock, and the bonds of the company to any creditor of the said company who may accept the same in payment and satisfaction of his claim against the said company.

Power to issue paid-up stock.

## CAP. XLVII.

An Act to authorize the Cobourg, Peterborough and Marmora Railway and Mining Company to issue preferential debentures, and to amend the Acts relating to the said Company, and for other purposes.

[Assented to 21st December, 1874.]

WHEREAS the Cobourg, Peterborough and Marmora Railway and Mining Company have petitioned that the Directors of the said Company may be authorized to issue preferential debentures for the purpose of carrying on the business of the Company and completing its works, and it is expedient to grant the prayer of the said petition :

Preamble

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The Directors of the said Company are hereby authorized to issue in addition to the debentures of the said Company already issued, debentures of the said Company to the amount of three hundred thousand dollars ; which debentures shall be for such sums, and payable at such times and places in such currency, and with such rates of interest not exceeding eight per centum per annum, payable half yearly, as they may deem expedient.

Power to issue debentures to the amount of \$300,000.

2. The said debentures hereby authorized to be issued shall be a first charge upon the railway and undertaking, and upon all the properties real and personal of the said Company acquired and to be acquired, and upon all the tolls, revenues, rights, powers, privileges and franchises now held and enjoyed and at any time hereafter to be held and enjoyed by the said Company, without preference or priority of any one debenture so to be issued over any other debenture so to be issued.

Debentures to be a first charge upon the property of the company

3. The debentures of the said Company issued under the authority of the Act of the Legislature of this Province, passed in the thirty-third year of Her Majesty's reign, chapter thirty-eight,

Debentures issued under 33 V. c. 38 to be a second



charge upon  
the property of  
the company.

eight, shall be a second charge upon the railway and undertaking, and upon all the properties real and personal of the said Company acquired and to be acquired, and upon all the tolls, revenues, rights, powers, privileges and franchises now held and enjoyed and at any time hereafter to be held and enjoyed by the said Company, without preference or priority of any one debenture so issued over any other debenture so issued.

Debentures issued under 35 V. c. 59 to be a third charge upon the property of the company.

4. The debentures of the said Company issued and to be issued under the authority of the Act of the Parliament of this Province, passed in the thirty-fifth year of Her Majesty's reign, chapter fifty-nine, shall be a third charge upon the railway and undertaking, and upon all the properties real and personal of the said Company acquired and to be acquired, and upon all the tolls, revenues, rights, powers, privileges and franchises now held and enjoyed and at any time hereafter to be held and enjoyed by the said Company, without preference or priority of any one debenture so issued or to be issued over any other debenture so issued or to be issued.

35 Vic. c. 59  
s. 5 amended.

5. Section five of the said last mentioned Act is hereby amended by striking out and repealing all the words after the word "but" in the said section.

Assent of debenture holders necessary to issue debentures under this Act.

6. Provided always that no debentures shall be issued under the provisions of this Act without the consent in writing of three-fourths in number and value of the present holders of debentures of the said Company.

Rights of debenture holders to foreclose or sell.

7. In case at any time there shall be default for more than one month in the payment of any instalment of interest or of principal on any of the debentures of any of the said three classes of debentures, the holder of such debentures of any one of the said three classes to the amount of not less than fifty thousand dollars may on behalf of himself and of the other holders of debentures of the same class, proceed in the Court of Chancery for and obtain a foreclosure or sale of the said premises, the subject of the charge created in favour of the debentures of the said class.

Position of purchasers and debenture holders on foreclosure or sale.

8. Upon a foreclosure the debenture holders of the class so foreclosing, and upon a sale the purchasers shall be and become a body corporate and politic, and shall form and constitute a new company under the same name as the present company, and shall be the shareholders of the new company; and in case of a foreclosure each debenture holder shall be the owner of one share for each one hundred dollars of principal money due to him in respect of the debentures of the said last mentioned class held by him; and in case of a sale the purchasers shall be the owners of one share for each one hundred dollars of the purchase money; and the capital stock of the new company shall, in case of a foreclosure, be the amount of the principal money due in



in respect of the debentures of the said last mentioned class, and in case of a sale the amount of the purchase money; and thereupon the said railway and undertaking, and all the said properties real and personal, and all the said tolls, revenues, rights, powers, privileges and franchises shall vest in the new company charged, nevertheless, with the debentures of any prior class; and thereafter the several provisions of the various Acts relating to the present company shall apply as far as applicable to the new company.

9. The time for the extension by the said Company of the said railway to Bobcaygeon is hereby extended to four years from the passing of this Act, and for the extension by the said Company of the said railway to Georgian Bay to six years from the passing of this Act. Time for completion of railway extended.

10. The said Company may construct their railway from their mines to the River Trent and to Rice Lake, of any gauge. Gauge from the mines.

## CAP. XLVIII.

An Act further to amend the Act incorporating the Hamilton and North Western Railway Company.

[Assented to 21st December, 1874.]

**W**HEREAS the Hamilton and North Western Railway Company have petitioned for an amendment of the provisions relating to their borrowing powers, and for power for that company and the Hamilton and Lake Erie Railway Company to unite together as one company, or for one of such companies to purchase and acquire the property and rights of the other, and for certain other amendments to their charter and it is expedient to grant the same: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The first and second sections of the Act passed in the thirty-seventh year of Her Majesty's reign, intituled "An Act further to amend the Act incorporating the Hamilton and North Western Railway Company" are hereby repealed. 37 V. c. 44, ss. 1 and 2 repealed.

2. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting, to be called from time to time for such purpose shall have power to issue bonds of the said company for the purpose of raising money for prosecuting the said undertaking; and Power to issue bonds for the purpose of borrowing money

Bonds to be a first charge. and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claim and charge upon the undertaking, and the property of the company, real and personal, then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon the undertaking and the property of the company as aforesaid: Provided however, that the whole amount of such issue of bonds shall not exceed in all the sum of twenty-five thousand dollars per mile, nor shall the amount of such bonds issued at any one time be in excess of the amount actually expended in surveys, purchase of right of way, and works of construction and equipment upon the line of the said railway, or material actually purchased, paid for and delivered to the company within the Provinces of Ontario or Quebec, and that the rate of interest thereon shall not exceed six per centum per annum; and provided also further, that in the event at any time of the interest of the said bonds remaining unpaid and owing then at the next ensuing general annual meeting of the said company all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Provide.

Rights of bondholders if interest unpaid.

Issue of permanent bonds or permanent debenture stock.

Charge.

3. In case the said company shall enter into any arrangement, or lease, with any other railway company or companies, for the leasing or working of the said railway, the directors may, with the like sanction in the last section mentioned, issue permanent bonds, or permanent debenture stock of the said company, or bonds or debenture stock payable at the time of the expiration of such lease or arrangement, for the purpose of raising money for prosecuting the said undertaking; and such bonds or debenture stock shall, without registration or formal conveyance, be and be taken and considered to be a first and preferential claim and charge upon the rent, or money in the nature of rent, or any other moneys which may be payable to the said company, under any such lease or arrangement for securing the payment of the interest on such bonds or debenture stock during the term of such lease or arrangement, or during the currency of such bonds or debenture stock; and from and after the expiration or determination of such lease or arrangement, such bonds or debenture stock shall, without formal conveyance or registration, be and be taken and considered to be, first and preferential claims and charges upon the undertaking and property of the company, in the same manner and to the like extent as the bonds in the last section mentioned; and the several provisos in the last section contained, as to the amount of such bond issue and the interest thereon and otherwise, shall extend and apply to the

said bonds and debenture stock hereby authorised, in the same manner and to the like extent as if they had been re-enacted herein: Provided always that the powers as to the issue of bonds by this and the preceding section conferred shall not be exercised concurrently, but the powers conferred under the one of such sections shall only be exercised in the event of those conferred under the other of such sections not having been exercised

4. The bonds or debenture stock hereinbefore authorized shall be made and signed by the president or the vice-president, and countersigned by the secretary, and under the seal of the said company, and may be expressed to be payable in sterling money of Great Britain; or in current money of Canada, and the place of payment may be in Great Britain, or in Canada; and the same and all coupons and interest warrants thereon respectively, may be made payable to the bearer or order, and transferable by endorsement or by delivery; and any holder of such securities may sue thereon in his or her own name.

Form of bonds  
or debenture  
stock.

5. The provisions of the tenth section of the Act of incorporation of the said company as to the notice requisite for the general meetings of the shareholders of the company, are hereby repealed, and such notice shall be sufficient if the same be published once in the *Ontario Gazette*, at least two weeks previous to the day of such meeting, and once a week in one daily newspaper published in the City of Hamilton, and in some one newspaper published in the County of Simcoe, during the two weeks preceding the week in which such meeting is to be held.

35 V. c. 55, s.  
10, amended  
as to notice of  
general  
meetings.

6. It shall be lawful for the Hamilton and North Western Railway Company, and the Hamilton and Lake Erie Railway Company to unite together as one company, or for one of such companies to purchase and acquire the property and rights of the other.

Powert to amal-  
gamate with  
Hamilton and  
Lake Erie R.  
Co.

7. It shall be lawful for the directors of one company to agree with the directors of the other company, that the companies they respectively represent shall be united as one company, or that one of such companies shall purchase and acquire the property and rights and take unto itself all the liabilities of the other; and by such agreement to fix the terms upon which such union, or such purchase, shall take place; the rights which the shareholders of each company shall possess after such union or purchase; the number of directors of the company after any such union, and who shall be such directors until the then next election; the period at which such next election shall be held; the number of votes which the shareholders of either company shall respectively have thereat and thereafter; the corporate name of the company after any such union, the time when the agreement shall take effect; the by-laws which shall apply to

Directors may  
arrange terms  
of union.



to the united company; and generally to make all such conditions and stipulations touching the terms upon which such union or purchase shall take place, as may be found necessary for determining the rights of the said companies respectively, and of the shareholders thereof, after any such union or purchase; and the mode in which the business of the company shall be managed and conducted after any such union.

If agreement for union made, special and general meeting to be called.

8. That whenever any such agreement shall have been made as aforesaid the directors of each of the said companies shall call a special general meeting of the shareholders of the company they represent in the manner provided by law for calling such general meetings, stating particularly that such meeting is called for the purpose of considering the said agreement and of ratifying or disallowing the same; and if at such meeting of the shareholders of each of the companies concerned, a majority of the votes of the shareholders attending the same, either in person or by proxy, be given for ratifying the said agreement then the same shall have full effect accordingly: Provided always that if less than a majority of the votes of the shareholders present at such meeting, in person or by proxy, be given in favour of ratifying such agreement the same shall not take effect, but a further meeting of such shareholders may be called to consider such agreement, but no meeting shall be called for that purpose within one month after the meeting at which the same was so considered: Provided always, that the first meeting of the shareholders of either company for considering any such agreement shall be held within three months of the time when the same shall be made by the directors thereof, and not afterwards.

After ratification of union, Companies to become one.

Rights, liabilities, &c.

9. From and after the time when any such ratified agreement for the union of the said companies shall take effect, the said companies shall become one company and one corporation by the corporate name assigned to it in such agreement, and shall be invested with and have all the rights and property and be responsible for all the liabilities of the said respective companies, and shall be held to be the same corporation with each of them so that any right or claim which could be enforced by or against either of them may after such union be enforced by or against the company formed by their union; and any suit, action or proceeding pending at the time of such union by or against either of such companies may be continued and completed by or against the company formed by their union by the corporate name assigned to it by the agreement; Provided always, that the rights of any person or party having any special lien, charge or privileged claim upon the lands and buildings, tolls, revenues or other property real or personal of either of such companies or upon any part thereof, shall not be impaired by such union.

Properties rights and liabilities after purchase.

10. From and after the time when any such ratified agreement for the purchase by the one company as aforesaid of the



the railway property and rights of the other company shall take effect, such railway property and rights shall become vested in and shall be exercised by the company purchasing the same by the corporate name assigned to it in such agreement; and such last-mentioned company shall be responsible for all the liabilities of the company whose railway property and rights shall have been transferred to them, and shall be held to be the same corporation with it, so that any right or claim which could be enforced by or against either company may after such purchase be enforced by or against the purchasing company; and any suit, action or proceeding pending at the time such agreement shall take effect by or against either company may be continued and completed by or against the purchasing company by the name assigned to it in such agreement; provided always, that the rights of any person or party having any special lien, charge or privileged claim upon the lands, buildings, tolls or other property of either of such companies or upon any part thereof shall not be impaired by such purchase: Provided always, that the company whose property and rights shall have been so purchased shall continue to have a corporate existence for the sole purpose of doing such things and such things only as shall be necessary for the purpose of giving full effect to the ratified agreement, and to the rights of the shareholders or others under the same and so long as there shall remain anything to be done for that purpose: Directors may be elected for the said company and may exercise their powers for such purposes as aforesaid, and for those purposes only. Directors and their powers.

11. In the case of any such union as aforesaid the capital of the company formed thereby shall be equal to the combined capitals of the companies united, and in the case of the purchase by one company of the property and rights of the other company, the purchasing company shall have full power to increase the capital by the amount of the capital of the purchased company, and may raise the sum required to pay the purchase money agreed upon from such capital stock either among themselves or by the admission of new subscribers in such manner as shall be provided by by-laws to be passed for the purpose, or under their borrowing powers or otherwise as may be agreed upon. Capital of new Company.

12. That all the privileges, powers, rights and franchises possessed or enjoyed by either of the said companies under their respective acts of incorporation and amendment in force at the time of any such agreement shall be continued to and possessed by the company formed by such union or purchase who may use or exercise the same as fully as the company who immediately before such union or purchase possessed or enjoyed the same; provided, that in case of inconsistent provisions in the charters of the two companies the agreement between the two companies shall define which shall continue to and be possessed by the united or purchasing company. All rights of both companies to belong to new company.

Issue of bonds.

**13.** In the case of the amalgamation of the said two companies or of the purchase by one of the property and rights of the other as hereby authorized, then the several powers and provisions hereinbefore contained as to the issue of bonds or debenture stock by the Hamilton and North Western Railway Company and the amount thereof shall apply to the railway of the Hamilton and Lake Erie Railway Company: Provided, that no bonds of the amalgamated or purchasing company shall be issued upon or in respect of the property or line of railway of the Hamilton and Lake Erie Company until the bonds heretofore issued by that company shall have been redeemed, except an issue of bonds for the purpose of such redemption.

Ratification of union to be filed in Provincial Secretary's Office.

**14.** Upon the ratification by the shareholders of the two companies of any such agreement for their amalgamation or for the purchase by the one company of the property and rights of the other, a duplicate of such agreement shall be filed in the office of the Provincial Secretary, and shall be submitted to the Lieutenant-Governor in Council for his approval; and upon the same being so approved, and a notice intimating such approval being published in the *Ontario Gazette*, such amalgamation or purchase shall be taken to be fully complete and the said two companies shall thereafter be deemed to be one corporation under the name in such agreement mentioned; and such filing and the publication of such notice shall have the same force and effect as an Act of the Legislature confirming such agreement would have.

Approval of Lt.-Governor in Council.

Existing agreements between Hamilton and N. W. R. Coy. and municipalities which have granted bonuses not affected by this Act.

**15.** Nothing in this Act contained shall alter or contravene the force and effect of any agreement heretofore made or entered into and now existing between the said Hamilton and North Western Railway Company and any of the municipalities which have contributed by way of bonus towards the construction of said Railway; but said agreements shall continue in all respects to be and are hereby declared binding upon said Hamilton and North Western Railway Company, and upon any new Company formed under this Act, by union, purchase of property and rights, or otherwise, and which shall become entitled to any advantage from or under any such agreement.

## CAP. XLIX.

An Act to amend the Act to incorporate the Huron and Quebec Railway Company, and to enable the Municipality of the Town of Peterborough to grant aid by way of bonus to the said Company.

[Assented to 21st December, 1874.]

**W**HEREAS the Huron and Quebec Railway Company have Preamble. petitioned for an Act to empower the said Company to construct a railroad and to extend their line already authorized to be built, from such point on their line as may be deemed expedient, to the City of Ottawa and to the waters of the River Ottawa at such point or points as may be most convenient, and for the amendment of the said Act as hereinafter provided; And whereas, the municipality of the Town of Peterborough, through the council thereof, have petitioned for an Act to enable the said municipality to grant aid by way of bonus to the said Company, to the extent of the sum of one hundred thousand dollars, notwithstanding the provisions of the Act of the Parliament of Canada passed in the twenty-fourth year of Her Majesty's reign, chaptered sixty-one; and it is expedient to grant the prayers of the said petitions:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said Company shall have full power under this Act to construct a railroad, and to extend their line from such point on the line of railroad already authorized to be built by the said Company as may be deemed expedient, to the City of Ottawa, in the Province of Ontario, and also to the waters of the River Ottawa, at such point or points as may be most convenient. Company may extend railway to the city and waters of Ottawa,

2. The said Company shall also have full power under this Act to build a branch or branches from any point or points on their line of railway, to connect their said railroad with other existing railroads, or with railroads in course of construction, or with any navigable waters. and connect with other lines and navigable waters.

3. All the powers and privileges by the said Act conferred on the said Company, and every clause, matter or thing in the said Act contained, shall apply to the line or lines hereby authorized to be built. Incorporation Act to apply to extensions.

4. The by-law of the municipality of the Town of Peterborough granting aid by way of bonus to the said Company, to the extent of one hundred thousand dollars, and submitted to, and approved by the majority of the duly qualified electors By-law of Peterborough confirmed.

electors of the said Town of Peterborough, on the fourteenth day of August one thousand eight hundred and seventy-four, shall, upon the same being read a third time, and finally passed by the council of the said municipality, be held and considered to be a valid by-law, and binding upon the said municipality as to all and singular the terms and conditions thereof.

## CAP. L.

### An Act to incorporate the Hurontario Railway.

[Assented to 21st December, 1874.]

#### Preamble.

**W**HEREAS the construction of a single or double track Air-line of Railway, between the Georgian Bay and Lake Ontario, has become desirable, as well for the development of the country through which the said railway would pass, as for the providing of a shorter, cheaper and more expeditious route for the transportation of freights from the west to the seaboard :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

#### Incorporation.

1. Sandford Fleming, John C. Fitch, A. M. Smith, John Smith, W. D. Mathews, Samuel Nordheimer, John Fiskien, Herman H. Cook, and D. Blain, together with such persons and corporations as shall in pursuance of this Act become shareholders of the said company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of "The Hurontario Railway Company."

#### Corporate name.

#### Certain clauses of Railway Act to apply.

2. The several clauses of the Railway Act, of the Consolidated Statutes of Canada, and the amendments thereto, and also the several clauses thereof with respect to "interpretations," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity, and fines and penalties and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," shall be incorporated with and deemed to be a part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein shall be understood to include the clauses of the said Railway Act so incorporated with this Act.



3. The said company shall have full power under this Act to construct a single or double-track railway from some point at or near Toronto on the shore of Lake Ontario to some point on the shore of the Georgian Bay, and also to construct branches connecting the said railway with existing lines or with any other points it may be deemed expedient to connect the said railway.

Location of line.

Branches.

4. The said company may construct depôts, docks, stations, wharves, warehouses, elevators, workshops and other buildings and works, at or near any one or more of the several point or points on the line or lines of railway hereby authorized, and where such line or lines touch the shores of the Georgian Bay, Lake Ontario, or any inland navigable waters or rivers upon or near the said line or lines, the said company may, for such purposes as aforesaid, extend their railway or construct branches thereof, into and upon the waters of the said lakes, bays, inlets, rivers or navigable waters, or any one or more of them.

Company may construct docks, &c., on waters, &c., near the line.

5. The said railway may be constructed of any gauge.

Gauge.

6. Conveyances of land to the said company for the purposes of, and the powers given by this Act, made in the form set out in the schedule A hereto annexed, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Form of conveyance to the company.

Registration.

7. Sandford Fleming, John C. Fitch, A. M. Smith, John Smith, W. D. Mathews, Samuel Nordheimer, John Fiske, Herman H. Cook, and David Blain, shall be provisional directors of the said company.

Provisional directors.

8. The said provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the company, four of whom shall be a quorum, with power to fill vacancies thereon; to associate with themselves thereon not more than three other persons, who upon being so named, shall become and be provisional directors of the company, equally with themselves; to open stock books, to make a call upon the shares subscribed therein; to call a meeting of the subscribers thereto, for the election of other directors as hereinafter provided; and with all such other powers as under the Railway Act or any other law in force in Ontario are vested in such boards; and the said directors, or a majority of them, may, in their discretion, exclude any persons from subscribing who in their judgment would

Powers of provisional directors.

would hinder, delay, or prevent the said company from proceeding with and completing their undertaking, under the provisions of this Act.

**Capital stock.** **9.** The capital stock of the company hereby incorporated shall be three hundred thousand dollars, with power to increase the same in the manner provided in the Railway Act, to be divided into three thousand shares of one hundred dollars each, and shall be raised by the persons and corporations who may become shareholders in such company ; and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized ; and all the remainder of such money shall be applied to the making, equipment and completion of the said railway, and the other purposes of this Act ; and until such preliminary expenses shall be paid out of the said capital stock, the municipality of any city, county, town, township or village on the line or lines of works, may pay out of the general funds of such municipalities its fair proportion of such preliminary expenses, which shall hereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the company, or be allowed to it in payment of stock.

**Ten per cent. stock to be paid up.** **10.** On the subscription for shares of the said capital stock, each subscriber shall within ten days thereafter pay ten per centum of the amount subscribed by him into some of the chartered banks, to be designated by the directors to the credit of the said company.

**Calls.** **11.** Thereafter, calls may be made by the directors for the time being as they shall see fit ; provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, and at intervals of not less than thirty days.

**Directors may issue stock as paid up stock to make certain payments.** **12.** The directors elected by the shareholders may make or issue stock as paid up stock, and may pay or agree to pay in such or any paid up stock, or in the bonds of the said company, such sums as they deem expedient to engineers or contractors, or for right of way or material, plant or rolling stock ; and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase right of way, material, wharves, plant or rolling stock, whether such promoters or other persons be provisional directors or not.

**Meeting for election of directors.** **13.** So soon as shares to the amount of twenty five thousand dollars of the capital stock of the said company shall have been subscribed,

subscribed, and ten per centum thereof paid into some of the chartered banks to be designated by the directors, which shall on no account be withdrawn therefrom, unless for the service of the company, the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof, for the purpose of electing directors to the said company.

14. It shall be lawful for the provisional or elected directors to accept payment in full for stock from any subscriber thereof, at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such per centage or discount thereon as they deem expedient and reasonable, and thereupon to issue to each subscriber scrip to the full amount of such stock subscribed.

Directors may accept full payment for stock before final call.

15. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon.

Provision in case provisional directors neglect to call meeting.

16. In either case notice of the time and place of holding such general meeting shall be given in the *Ontario Gazette*, and in one Toronto newspaper once in each week for the space of at least four weeks, and such meeting shall be held at the City of Toronto, at such place and on such day as may be named by such notice; at such general meeting the subscribers for the capital stock assembled, who shall have so paid ten per centum thereof, with such proxies as may be present, shall choose nine persons to be the directors of the said company, and may also make and pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Notice of meeting.

Election of directors.

Making by-laws.

17. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the City of Toronto, and on such days and at such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and in one Toronto newspaper once in each week.

Annual meetings.

18. Special general meetings of the shareholders of the said company may be held at such places in the City of Toronto, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of the said company.

Special meetings.

19. Every shareholder of one or more shares of the said capital stock shall at any general meeting of the shareholders be entitled to one vote for every share held by him, but no shareholder

Scale of votes.



shareholder shall be entitled to vote in any matter whatever, unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least two days before the day appointed for such meeting.

Qualification  
of directors.

**20.** No person shall be qualified to be elected as such director by the shareholders, unless he be a shareholder, holding at least ten shares in the company, and unless he has paid up all calls due thereon.

Aliens or for-  
eign corpora-  
tions may be  
shareholders,  
&c.

**21.** Aliens and companies incorporated abroad as well as British subjects and corporations may be shareholders in the said company; and such aliens, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.

Quorum of  
directors.

**22.** Any meeting of the directors of the said company regularly summoned at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors.

Aid to com-  
pany from  
Government,  
&c.

**23.** The said company may receive from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment, or maintenance of the said railway, by way of bonus, gift, or loan in money, or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Aid from mu-  
nicipalities.

**24.** Any municipal corporation, or any portion of a municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained, which are to be taken as applicable thereto, instead of sections four hundred and seventy-two, four hundred and seventy-three, and four hundred and seventy-four of the Municipal Institutions Act: Provided always, that no such aid shall be given, except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality, (as the case may be,) as provided in the Municipal Act for the creation of debts.

Manner of sub-  
mitting by-  
laws to rate  
payers.

**25.** Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall within six weeks



weeks after the receipt of such petition by the clerk of the municipality introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters ;

2. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy-reeves, or of twenty resident freeholders in each of the minor municipalities of the county who are qualified voters under the Municipal Act ;

3. In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of twenty resident freeholders, being duly qualified voters as aforesaid ;

4. In the case of two or more minor municipalities, or sections of two or more such municipalities, or of two or more such municipalities with a section or sections of one or more minor municipalities forming part of a county municipality, the petition is to be presented to the county council, describing the portions to be grouped, and defining any section by metes and bounds, and shall be that of a majority of each of the councils of such minor municipalities respectively, or of twenty resident freeholders in each of the said minor municipalities, or sections proposed to be grouped, being duly qualified voters as aforesaid.

26. Where a portion of the county municipality petitions to aid the railway, it shall be such portion only as shall consist of two or more minor municipalities or sections thereof, through which the line of railway is to be constructed, or which will be benefited thereby, and such minor municipalities and sections thereof shall lie contiguous ; but no minor municipality or section thereof which is subject to a county or other by-law in aid of the said railway, shall be thus grouped without the consent of the majority of the duly qualified voters therein expressed to that end, when voting upon the proposed by-law.

Aid from portions of county municipalities.

Grouping minor municipalities.

27. In case of aid from a county municipality, or from a grouped portion thereof, twenty resident freeholders of the county or portion comprised in the proposed by-law (as the case may be) may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein ; and upon deposit by the petitioners with the treasurer of the county, of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county, or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom ; and the decision of any two of them shall be final ; and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters ; and in case the

Proceedings on opposing submission of by-laws.

Arbitration.

by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the railway company, or the county, as the arbitrators may order.

Rate voting  
and by-law in  
case of group-  
ing.

**28.** In the case of a portion of the county municipality being formed into a group, the by-law to be submitted shall be that of the county, but the rate to be levied for payment of the debentures issued thereunder, and the interest thereon, shall be assessed and levied upon such portions only of the county municipality; and the voting thereon shall be limited to the duly qualified voters in such portions only.

Railway to  
make deposit  
for expenses  
on submitting  
by-law.

**29.** Before any such by-law is submitted, the railway company shall deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Interpretation  
of the words  
"minor munici-  
pality."

**30.** The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporate village situate in the county municipality.

Limit of the  
amount of by-  
law in aid.

**31.** No by-law shall be valid, or shall be submitted to such vote for granting aid to the railway which shall require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property in each of the minor municipalities or sections affected thereby; but for the purpose of such aid, the amount of the aggregate annual rate to be levied in any such municipality or section, may exceed the two cents in the dollar limited by the Municipal Act.

Provisions in  
by-laws.

**32.** Such by-law shall in each instance provide,

(1) For raising the amount petitioned for in the municipality or portions of the county municipality (as the case may be) mentioned in the petition by the issue of debentures of the county or minor municipality, respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law;

2. For assessing and levying upon all ratable property lying within the municipality or portions of the county municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years with interest thereon, payable yearly or half-yearly, or by equal annual instalments of principal and interest; which debentures the respective municipal councils, warden, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively: Provided, that in case the sum raised under the authority of such by-law is invested in the capital stock or bonds of the railway company or loaned thereon, the council of the municipality

pality holding such stock or bonds may sell and dispose of the same or any part thereof, and shall in such case apply the moneys received therefor in payment of the said debentures and interest.

**33.** In case the by-law submitted is not approved of, no other by-law which is in substance the same shall be submitted to the voters of the same municipality or portions of the county municipality, until after the expiration of six months from such rejection. If by-law defeated, limit of time for submitting similar one.

**34.** In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same, shall read the said by-law a third time and pass the same. If by-law carried, council to pass the same,

**35.** Within one month after the passing of such by-law, the said council, and the warden, reeve or other officers thereof shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof. and issue the debentures.

**36.** The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the railway company, and give in exchange therefor to the said township, a like amount of the debentures of the said county, on a resolution to that effect being passed by the county council; but the township municipality shall in such case keep the county municipality fully indemnified against any rate or liability in respect of said debentures. County corporation may exchange their debentures for those of the townships.

**37.** Wherever any municipality or portion of a county municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor, shall within six months after the passing of the by-law authorizing the same, be delivered to a trustee named jointly by the head or heads of the municipality or municipalities granting such bonus or bonuses and the said company, the said nominee to be approved and appointed by the Lieutenant-Governor in Council: Provided, that if the said head or heads of the said municipality or municipalities and the said company fail to agree upon a nominee, the said debentures shall be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses; all of the trustees to be residents of the Province of Ontario: Provided further, that if the said Council shall refuse or neglect to name such trustee or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees the company shall be at liberty to name such other trustee or other trustees: Any of the said trustees may be Trustee or trustees for municipal debentures.



be removed and a new trustee appointed in his place at any time, by the Lieutenant-Governor in Council, with the consent of the said company; and in case any trustee die, or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of said company.

Trusts on which debentures are to be held.

**38.** The said trustee or trustees shall receive the said debentures or bonds in trust; firstly, under the direction of the company to convert the same into money; secondly, to deposit the amount realized from the sale in some of the chartered banks, having an office in this Province, in the name of "The Hurontario Railway Municipal Trust Account," and to pay the same out to the said company from time to time, on the certificate of the chief engineer of the said railway, in the form set out in schedule "B" hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and that the sum so certified for, is in pursuance of the terms and condition of the by-law; and such certificate is to be attached to the cheques to be drawn by the said trustees; and such engineer shall not wrongfully grant any such certificate under penalty of one hundred dollars, recoverable in any county court by any person who may sue therefor.

Trustees' fees. Act of two to govern.

**39.** The trustees shall be entitled to their reasonable fees and charges from said trust fund; and the act of any two of such trustees to be as valid and binding as if the three had agreed.

Municipal directors.

**40.** Any municipality which shall grant a bonus of not less than one hundred and fifty thousand dollars in aid of the said company, may stipulate that it shall be entitled to name a director in the said company as the representative of such municipality; and such director shall be in addition to the directors elected by the shareholders, and shall not be required to be a shareholder in the company, and shall continue in office as a director in the said company until his successor shall be appointed by the municipality which he represents.

Company may receive gifts of lands.

**41.** Any municipality through which the said railway may pass is empowered to grant by way of gift to the said company any lands belonging to such municipality, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government or any person or any body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Municipality may exempt Company from taxation.

**42.** It shall further be lawful for the council of any municipality in which any part of the railway of the company is situate



situate, by by-law specially passed for that purpose, to exempt the said company and its property, within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years; and any such by-law shall not be repealed unless in conformity with a condition contained therein.

**43.** It shall and may be lawful for the council of any municipality that may grant a bonus to the company, and they shall have full power, to extend the time for completion of the works on the completion of which the said company would be entitled to such bonuses.

Council may extend time for completion whereon bonus to be granted.

**44.** It shall be lawful for the council of any municipality interested in the road or its branches, or any of them, and without complying with the requirements of any Act providing for creation of debts by municipal corporations on behalf of such township or county municipalities to bear all, or part of the costs, charges and expenses of, and incidental to, the submission of any by-law to the said qualified voters for granting a bonus to the said company, or may give the said company a bonus on account of such costs, charges and expenses; Provided always, that no one such bonus shall exceed five thousand dollars.

Council may contribute towards expenses of submitting by-laws.

**45.** Whenever any municipality or a portion of a municipality shall aid, loan, guarantee, or give money or bonds by way of bonus to aid the making, equipment, and completion of said road and branches, or any part or parts thereof, it shall be lawful for said company to enter into a valid agreement with such municipality, binding the said company to expend the whole of such aid so given upon works of construction within the limits of the municipality granting the same.

Agreements to expend bonus within the municipality.

**46.** It shall and may be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law, or by-laws, empowering the said company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession or under the control of any joint stock company, and if such be either in the possession or under the control of any joint stock company, then with the assent of such company; and it shall and may be lawful for the said company to enter into and perform any such agreements as they may from time to time deem expedient, with any municipality, corporation or person, for the construction, or for the maintenance and repair of gravel or other public roads leading to the said railway.

Laying rails on roads.

Agreements as to maintenance of roads.

**Issue of bonds.** **47.** The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds to any amount not exceeding thirty thousand dollars per mile of railway, to be signed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall without registration or formal conveyance be taken and considered to be first and preferential claims and charges upon the said undertaking, and the property of the Company real and personal then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking, and the property of the company as aforesaid; And provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid, and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting as are attached to shareholders; Provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares: And it shall be the duty of the Secretary of the company to register the same on being required to do so by any holder thereof.

**Charge created by the bonds.**

**Rights of bondholders when interest in arrear.**

**Negotiable instruments.**

**48.** The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange; nor shall the president or vice-president or secretary and treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange, payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

**Company may acquire land and right of way.**

**49.** Whenever it shall be necessary for the purpose of procuring sufficient lands for stations, works, warehouses or gravel-pits or otherwise for constructing and maintaining the said railway, it is enacted that the said company may purchase such land

land and also the right of way thereto, if the same be separated from their railway, and to sell and convey the same or any part thereof from time to time as they may deem expedient.

**50.** The said company shall have power to purchase and hold such land as may be required, at each extremity of the said line or lines, exclusive of such lands covered by water, hereinbefore mentioned, for the purpose of building thereon wharves, storehouses, warehouse, engine houses, shed, and other erections, for the use of the said railway company, and the same, or portions thereof in their discretion to sell and convey.

May also hold additional property at the extremities of the line.

**51.** The said company shall have power to lease its railway to, or make running arrangements with, any other railway company, upon terms to be approved of by two-thirds of the shareholders at a special general meeting, to be held for that purpose, in accordance with the Railway Act.

Power to lease, &c.

**52.** For the purpose of constructing, working, and protecting the telegraph lines to be constructed by the same company on their line of railway, the powers conferred on telegraph companies by the Act respecting Electric Telegraph Companies, are hereby conferred upon the said company; and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the said company.

Telegraph lines.

**53.** The said company shall have power to lease from any equipment company, or other party, any rolling stock that may be required for use on the said road, and may, with the sanction of two-thirds of the shareholders, obtained at a special general meeting, called for that purpose, make any contract or agreement with any person or corporation, domestic or foreign.

Contracts with other companies and persons.

## SCHEDULE A.

### (Section 6.)

KNOW ALL MEN BY THESE PRESENTS, that I (or we) (*insert name or names of the vendor or vendors*) in consideration of \_\_\_\_\_ dollars paid to me (or us) by the Hurontario Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (*insert the name of any other party or parties*) in consideration of \_\_\_\_\_

dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, as the case may be) of land, situate (*describe the land*) the same having been selected and laid out by the said company for the purposes

poses of their railway, to hold with the appurtenances unto the aid Hurontario Railway Company, their successors and assigns *here insert any other clauses, covenants or conditions required*) and I (or we) the wife (or wives) of the said

do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this                      day of                      one thousand eight hundred and

Signed, sealed and delivered, }  
in the presence of                      }

[L.S.]

## SCHEDULE B.

(Section 38.)

### CHIEF ENGINEER'S CERTIFICATE.

The Hurontario Railway Company's Offices, }  
Engineer's Department, A.D., 18                      }

No.

*Certificate to be attached to cheques drawn on the Hurontario Railway Municipal Trust Account.*

I,                      , Chief Engineer for the Hurontario Railway Company, do hereby certify that the sum of \$                      is required to be expended in the construction of the portion of the line extending from mile No.                      to mile No.                      , and that payment should be made to the company of such amount from the Municipal Trust Account, the same being in pursuance of the terms and conditions of the By-law of the Municipality of the                      of                     

## CAP. LI.

An Act to incorporate the L'Orignal and Caledonia Railway Company.

[Assented to 21st December, 1874.]

### Preamble.

**W**HEREAS it has become necessary for the development of the resources of certain portions of the County of Prescott, and for the public convenience and accommodation of visitors from all parts of Canada and the United States of America, who annually resort to the Caledonia Springs, to construct a railway from the Ottawa River, at or in the vicinity of L'Orignal, to the Caledonia Springs in the Township of Caledonia



Caledonia, in the said County of Prescott; And whereas a petition has been presented for the incorporation of a company for that purpose, and it is expedient to grant the prayer thereof:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The Honorable A. B. Foster, Senator; The Honorable Incorporation. R. W. Scott, Senator; The Honorable James Skead, Senator; Albert Hagar, M.P.; J. M. Currier, M.P.; Alonzo Wright, M.P.; John Haggart, M.P.; R. Blackburn, M.P.; John Rochester, M.P.; J. W. Marston, William Bradley, Reeve of Caledonia; George A. Gouin, Edward McGillivray, Alexander Bowie, Thomas C. Keefer, Charles Magee, William F. Powell, Sheriff of Carleton; James A. Gouin, Roderick Ryan, Thomas Hunton, J. McCracken, King Arnoldi, Francis Clemow, John Sweetland M.D.; F. B. McNamee, M. McNaughton, and Augustus Keefer together with such persons and corporations as shall, in pursuance of this Act, become shareholders of the said Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The L'Original and Caledonia Railway Company."

**2.** The several clauses of the Railway Act, of the Consolidated Certain clauses of railway Act to apply. Statutes of Canada, and amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses thereof with respect to "interpretation" "incorporation" "powers" "plans and surveys" "lands and their valuation" "highways and bridges" "fences" "tolls" "general meetings" "president and directors, their elections and duties" "calls" "shares and their transfer" "municipalities" "shareholders" "actions for indemnity and fines, and penalties and their prosecution" "by-laws, notices &c.," "working of the railway" and "general provisions" and all Acts in force in this Province amending the same shall be incorporated with, and be deemed to be a part of this Act, and shall apply to the said Company, and to the railway to be constructed by them, except only so far as the same may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein shall be understood to include the clauses of the said Railway Act and amendments thereto so incorporated with this Act.

**3.** The said Company shall have full power under this Act Location of railway. to construct a railway from the Ottawa River at or in the vicinity of L'Original to the Caledonia Springs in the Township of Caledonia in the said County of Prescott.

**4.** The said Company shall have full power to pass over any Railway may be carried along high-ways, &c. portion of the country between the points aforesaid, and to carry the said railway through the Crown Lands lying between said points, and to carry the same along any public road or highway;

way ; provided they shall have first obtained the sanction of the Council of the municipality in which such road or highway is situated.

Construction of wharves, &c., and purchase of water lots.

5. The said Company shall also have power to purchase water lots and to purchase or construct on the shore of the Ottawa River near to said railway, such wharves, piers, warehouses, or other works, as may be required for the use of the said Company.

Gauge.

6. The gauge of the said railway shall not be less than three feet, but may be wider in the discretion of the directors of said Company.

Aid from persons and corporations.

7 The said Company may receive from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, by way of bonus, gift or loan in money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Municipalities may grant lands.

8. Any municipality through which the said railway or any portion of it may pass is empowered to grant by way of gift to the said Company any lands belonging to such municipality which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said railway ; and the said Railway Company shall have power to accept gifts of land from any government or any person or body, politic or corporate ; but such land, when not required for the actual use of the Company, shall be sold and absolutely disposed of within five years after the same has been given to the Company.

Power to accept gifts of lands, disposal thereof.

Municipalities may subscribe stock.

9. Nothing in this Act shall prevent any municipality from subscribing for stock of the Company, pursuant to the Railway Act or Municipal Act.

Aliens may be shareholders, vote and hold office.

10. Any shareholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold stock in the said Company, and to vote on the same, and to be eligible to office in the said Company.

Capital stock,

application thereof.

11. The capital stock of the said Company shall be fifty thousand dollars, with power to increase the same in manner provided by the Railway Act, to be divided into two thousand shares of twenty-five dollars each ; and the money so raised shall be applied in the first place to the payment of all fees and expenses for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized, and all other preliminary expenses connected with the undertaking ; and all the remainder of such money shall be applied to the making, equipping, completing and

and maintaining the said railway, and otherwise generally for the purposes of this Act.

**12.** The persons named in the first section of this Act shall be and are hereby constituted provisional directors of the said company, five of whom shall form a quorum; and shall have power to fill vacancies occurring, and to add not more than three to their number; and shall hold office as such until the first election of directors under this Act, and shall have power forthwith to open stock-books, and procure subscriptions of stock for the undertaking, and to receive payment for stock subscribed, and make calls upon subscribers in respect of their stock, and to sue for and recover the same; and to cause plans and surveys to be made; and to deposit in any chartered bank of Canada all money received by them on account of stock subscribed, and to withdraw the same for the purposes of the undertaking; and to receive for the company any grant, loan, bonus or gift made to it or in aid of the undertaking; and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the Railway; and with all such other powers as, under the Railway Act of the Consolidated Statutes of Canada are vested in ordinary directors: The said directors are hereby empowered to take all necessary steps for opening the stock-books for the subscription of parties desirous of becoming shareholders in the said Company; the said directors or a quorum of them, or the board of directors to be elected as hereinafter mentioned, may in their discretion exclude any person from so subscribing who in their judgment would hinder, delay, or prevent the Company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers, as they shall deem most advantageous and conducive to the furtherance of the undertaking, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, such will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the City of Ottawa unless otherwise provided by the by-laws of said Company.

**13.** When and so soon as twenty thousand dollars of the capital stock shall have been subscribed as aforesaid, and one-tenth of the amount so subscribed paid into some chartered bank in Canada, to the credit of the Company, and not to be withdrawn therefrom except for the purposes of the Company, the said directors or a quorum of them may call a meeting of the shareholders at Ottawa, by giving at least two weeks' notice in one or more newspapers published at Ottawa and *L'Orignal* (if any published then at the latter place), and in the *Ontario Gazette*; at which said general meeting and at the annual general meeting



Rules and by-laws.

meetings in the following sections mentioned, the shareholders present either in person or by proxy, shall elect five directors in the manner and qualified as hereinafter provided, which five directors shall hold office till the first Wednesday in October in the year following their election; and may also pass such rules, regulations and by-laws with reference to the said Company as may be deemed expedient, provided they are not inconsistent with this Act.

Annual meetings.

**14.** Thereafter the general annual meeting of the shareholders of the said Company, shall be held at such place in the Province of Ontario, and on such days and at such hours as may be directed by the by-laws of the said Company; and public notice thereof shall be given at least two weeks previously in the *Ontario Gazette*.

Special general meetings.

**15.** Special general meetings of the shareholders of the said Company may be held at such places in the Province of Ontario, and at such times and in such manner as may be provided by the by-laws of the said Company.

Ten per cent of capital stock to be paid in.  
Calls.

**16.** No subscription for stock in the capital of the Company shall be binding on the Company, unless ten per centum of the sum subscribed has been actually paid thereon into some chartered bank to be designated by the directors, to the credit of the said Company, within a period to be named by the board; thereafter calls may be made by the directors for the time being as they shall see fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber.

Directors may accept full payment of stock at any time.

**17.** It shall be lawful for the provisional or elected directors to accept payment in full for stock from any subscriber thereof, at the time of subscription thereof, or at any time before the making of a final call thereon, and to allow such percentage or discount thereon as they may deem expedient and reasonable, and thereupon to issue to each subscriber scrip to the full amount of such stock subscribed.

Qualification of directors.

**18.** In the elections of directors under this Act, no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the said Company upon which all the calls have been paid up.

Number of directors.

**19.** The said Company shall have power to pass a by-law at a general meeting of the stockholders called for that purpose, to increase or diminish the number of directors of said Company; Provided, that the said number of directors shall not be increased beyond nine or diminished to a less number than three.

Municipal directors.

**20.** The provisional or other directors of the said Company are hereby authorized to constitute the head of any municipality subscribing



subscribing for stock or granting a bonus, an *ex officio* director in said Company, should the amount of aid granted by said municipality be sufficient in the discretion of said directors to entitle the said municipality to a representative on said board of directors.

**21.** In the election of directors under this Act, and in the transaction of all business at general shareholders' meetings, each shareholder shall be entitled to vote either in person or by proxy, and shall be entitled to as many votes as he holds shares; but no shareholder shall be entitled to vote in person or by proxy, at any such meeting or at any special meeting of the shareholders of the said Company, who shall not have paid at least ten per centum on each share held or owned by him or her in the capital stock of said Company, and all calls due upon his or her stock at the time of such election or meeting.

Votes of  
shareholders.

**22.** At all meetings of the Company, the stock held by municipal and other corporations may be represented by such persons as they shall have appointed in that behalf by by-law, and such persons shall at such meeting be entitled equally with other shareholders to vote by proxy.

Municipalities  
holding stock  
how rep e-  
sented.

**23.** A majority of the elected directors shall form a quorum for the transaction of business; and the said board of directors may employ and pay one of their number as managing director.

Quorum of  
directors.  
Managing  
director.

**24.** In case the provisional directors neglect to call the general meeting for the election of directors for the space of one month after such amount of the capital stock shall have been subscribed as hereinbefore mentioned, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than five hundred dollars of the said capital stock, and who have paid up all calls thereon.

If provisional  
directors do  
not call  
meeting, who  
may call same.

**25.** Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole or any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and to sell and convey the same or any part thereof from time to time as they may deem expedient; and may also make use for the purposes of the said railway, of the water of any stream or water course over or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water course.

Company may  
purchase addi-  
tional lands.

User of  
streams.

C. S. C. c. 66,  
ss. 9, 10 and 11,  
explained as to  
holding lands.

**26.** And whereas, doubts may arise as to the extent of the powers conferred by the ninth, tenth and eleven sections of chapter sixty-six of the Consolidated Statutes of Canada, and it is expedient to remove the same; be it therefore enacted and declared, that the said company shall have power to acquire or take, hold or alienate lands for borrowing pits, ballast pits and quarries, and for branch lines, or other access to any such lands, and also for all other purposes mentioned in or intended by the ninth sub-section of the said ninth section of the said Act, as fully in every respect as they may acquire, or take, hold and alienate lands for the purpose of constructing their railway, and it shall not be requisite for such lands to have been shown in the map or plan and book of reference of the said railway, and the manner in which the same may be taken and acquired shall be as provided by the Act passed in the thirty-fifth year of Her Majesty's reign, and chaptered twenty-five.

Certain pay-  
ments may be  
made in bonds  
or stock.

**27.** The said the directors elected by the shareholders may pay or agree to pay in paid-up stock or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way, or material, plant, or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting for the services of the promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional directors or not, and any agreement so made shall be binding on the company.

Power to mort-  
gage bonds.

**28.** The said railway company may, for advance of money to be made thereon, mortgage and deposit and transfer, by way of mortgage or as security, and may pledge all or any bonds that may be lawfully issued by the said company.

Aid from  
municipalities.

**29.** Any municipal corporation, or any portion of a municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained, which are to be taken as applicable thereto, instead of sections four hundred and seventy-two, four hundred and seventy-three and four hundred and seventy-four of the Municipal Institutions Act: Provided always, that no such aid shall be given, except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality, (as the case may be,) as provided in the Municipal Act for the creation of debts.

**30.** Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

Manner of submitting by-law to ratepayers.

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition, by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

2. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy-reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act;

3. In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of twenty resident freeholders, being duly qualified voters as aforesaid;

4. In the case of two or more minor municipalities, or sections of two or more such municipalities, or of two or more such municipalities, with a section or sections of one or more minor municipalities forming part of a county municipality, the petition is to be presented to the county council, describing the portions to be grouped, and defining any section by metes and bounds, and shall be that of a majority of each of the councils of such minor municipalities respectively, or of twenty resident freeholders in each of the said minor municipalities or sections proposed to be grouped, being duly qualified voters as aforesaid.

**31.** And in case such by-law be approved or carried by the majority of the votes given thereon, then within one month after the date of such voting, the said council shall read the said by-law a third time, and pass the same.

If by-law carried, council to pass same,

**32.** And within one month after the passing of such by-law the said council and the warden, mayor, reeve, or other head thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted, and deliver the same to the trustees appointed or to be appointed under this Act.

and issue debentures.

**33.** In case any bonus be so granted by a portion of a municipality or county municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon, shall be assessed and levied upon such portion only of the municipality or county municipality.

Assessment on aid by part of a municipality.

**34.** The provisions of the Municipal Acts, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a municipality or county municipality to the same extent as if the same had been passed by or for the whole municipality or county municipality.

Municipal Acts applied when by-law passed by part of a municipality.

**35.** All by-laws to be submitted to such vote for granting bonuses to the said company, not requiring the levying of a greater annual rate than three cents in the dollar of the ratable property

Assessment not to exceed three cents on the dollar.



property affected thereby, shall be valid, although the amount of the annual rate to be levied in pursuance thereof, shall exceed two cents in the dollar.

Exemption  
from taxation.

**36.** It shall be lawful for the corporation of any municipality, through any part of which the Railway is to pass or is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality from municipal assessment or taxation for a term not exceeding twenty-one years; and any such municipality may assist said company by purchasing and granting to the said company water lots, wharves, piers, storehouses and land for the right of way, station grounds, gravel pits and workshops in said municipality.

Aid from  
municipalities.

Debentures to  
be delivered to  
trustees.

**37.** Whenever any municipality shall grant a bonus to aid the said company in the making, equipping and completion of the said railway, the debentures therefor shall, within six weeks after the passing of the by-law authorizing the same, be delivered to three trustees, namely, John W. Marston, Hillier V. Noel, and one to be named by the Lieutenant-Governor in Council: Provided, that if the Lieutenant-Governor in Council shall refuse or neglect to name such trustee within one month after notice in writing to him requiring him to appoint such trustee, the said company shall be at liberty to name one in the place of the one to have been named by said Lieutenant-Governor in Council.

Removal and  
appointment  
of trustees.

**38.** Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council with the consent of the said company; and in case any trustee die or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council with the consent of said company.

Act of two  
trustees to be  
binding.

**39.** The act of any two such trustees shall be as valid and binding as if the three had agreed.

Trusts on  
which debenture  
to be  
held.

**40.** The said Trustees shall receive the said debentures in trust: firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some of the chartered banks, having an office in the City of Ottawa, in the name of "The L'Original and Caledonia Railway Municipal Trust Account," and to pay the same out to the said Company from time to time on the certificate of the chief Engineer of the said railway in the form set out in Schedule "B" hereto, or to the like effect, setting out the portion of the railway to which the portion of money to be paid out is to be applied, and the total amount expended on such portion to the date of the certificate, and that the sum so certified does not exceed



exceed the *pro rata* amount per mile for the length of the road, to be applied on the work so done ; and such certificates shall be attached to the cheques to be drawn by the said trustees ; and the wrongfully granting any such certificate by such Engineer, shall be punishable by fine of not less than one thousand dollars, recoverable in any court of competent jurisdiction in the Province of Ontario, and imprisonment in the discretion of the Court.

41. Any county in which is or are situated a township or townships, or portion of a township, that shall grant a bonus or bonuses, in aid of the said Company, shall be at liberty to take the debentures issued by such township or townships, or portion of a township, and in exchange therefor to hand over to the trustees under this Act, the debentures of the county on a resolution being passed to that effect by a majority of the county council.

Exchange of Township, for county debentures in cert. in cases.

42. The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president or vice-president of the said Company and countersigned by the secretary and treasurer and under the seal of the said Company, for the purpose of raising money for prosecuting the said undertaking ; and such bonds shall without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the Company, real and personal, then existing and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the Company as aforesaid : Provided however, that the whole amount of such issue of bonds shall not exceed in all the sum of fifty thousand dollars, nor shall the amount of such bonds issued at any one time be in excess of the amount of municipal and other bonuses and paid up share capital actually expended in surveys, purchase of right of way and works of construction and equipment upon the line of the said railway, or material actually purchased, paid for and delivered to the Company within the Province of Ontario : and provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said Company all holders of bonds shall have and possess the same rights and privileges, and qualifications for directors and voting as are attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the Company to register the same on being required to do so by any holder thereof.

Issue of bonds.

Lien of the bonds.

Limit of issue.

Rights of bondholders if interest unpaid.

Bonds, &c.  
may be pay-  
able to bearer.

**43.** All such bonds, debentures, mortgages, and other securities and coupons, and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery; and any holder of any such so made payable to bearer may sue at law thereon in his own name.

Company may  
be parties to  
notes and bills

**44.** The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed by the president or vice-president of the Company and countersigned by the secretary and treasurer of the said Company, and under the authority of a quorum of the directors, shall be binding on the said Company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange, or shall the president or vice-president, or the secretary or treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided however, that nothing in this section shall be construed to authorize the said Company to issue any note or bill of exchange payable to bearer or intended to be circulated as money, or as the notes or bills of a bank.

Company may  
lease line,

or take leases  
from other  
companies.

Mutual aid  
between com-  
panies.

**45.** It shall be lawful for the said Company to enter into any agreement with any other railway company in the Dominion of Canada, for leasing the said railway or any part thereof, or the use thereof at any time or times or for any period to such other company, or for leasing or hiring from such other company any railway or part thereof, or the use thereof, or for the leasing or hiring any locomotives, tenders or movable property, to make any agreement or agreements with any such other company touching the use by one or the other, or by both companies, of the railway or movable property of either, or of both, or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, or such other railway company, as well as any other corporation, may agree upon any terms as they may mutually consent to, for the loan of its credit to, or may subscribe to and become the owner of the stock of the railway company hereby created, in like manner and with like rights as individuals; but in so far only as the powers hereby conferred may be construed to have reference to any act, deed, matter, or thing to be done, executed, fulfilled or performed within the limits of the Province of Ontario to the other, and the compensation therefor, and any such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof; and any company or individual accepting and executing such lease shall be and is empowered to exercise all the rights

rights and privileges in the charter conferred; Provided the said leases, agreement or agreements have been first respectively sanctioned at special general meetings of the shareholders called for the purpose of considering the same respectively under the provisions of the Railway Act, and then by a vote to that end of two-thirds of the shareholders present either in person or by proxy.

Sanction of  
shareholders.

46. Conveyance of land to the said Company for the purpose of and powers given by this Act, made in the form set out in the Schedule A hereinafter written, or the like effect, shall be sufficient conveyances to the said Company their successors and assigns, of the estate or interest, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Form of con-  
veyances.

Registration.

47. The railway shall be commenced within two years and completed within five years after the passing of this Act, or else the charter shall be forfeited.

Commence-  
ment and  
completion of  
railway.

## SCHEDULE A.

Know all men by these presents, that I (or we) (*insert the name or names of the vendor or vendors*), in consideration of dollars paid to me, (or us), by The L'Original and Caledonia Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I, (or we), (*insert the name of any other party or parties*), in consideration of dollars paid to me, (or us), by the said Company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel, (or those certain parcels, *as the case may be*), of land situate (*describe the land*), the same having been selected and laid out by the said Company for the purpose of this Railway, to hold with the appurtenances unto the said The L'Original and Caledonia Railway Company, their successors and assigns, (*here insert any other clauses, covenants, or conditions required*).

And I, (or we), the wife, (or wives), of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal, (or hands and seals), this day of , one thousand eight hundred and

Signed, sealed, and delivered in the }  
presence of }

(L.S.)

SCHEDULE

## SCHEDULE B.

## CHIEF ENGINEER'S CERTIFICATE.

The L'Original and Caledonia  
Railway Company's Offices.

ENGINEER'S DEPARTMENT.

A.D, 18 .

No.

Certificate to be attached to cheques drawn on The L'Original and Caledonia Railway municipal trust account, and given under section        of cap.       , 38th Vic.

I,       , chief engineer of The L'Original and Caledonia Railway, do hereby certify that there has been expended in the construction of mile No.        (the said mileage being numbered consecutively from the boundary of the Town of L'Original), the sum of        dollars to date, and that the total *pro rata* amount due for the same, from the said municipal trust account amounts to the sum of        dollars, which said sum of        dollars is now due, and payable as provided under said Act.

## CAP. LII.

An Act to amend the Act incorporating the Lake Simcoe Junction Railway Company.

[Assented to 21st December, 1874.]

## Preamble.

WHEREAS the Lake Simcoe Junction Railway Company have petitioned for an Act to amend the Act incorporating the said company by extending the time therein limited for the commencement of the construction and completion of the said railway, and for other purposes, and it is expedient to grant the prayer of said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Extension of  
time for com-  
mencement  
and comple-  
tion of Rail-  
way.

1. The time limited in the Act of Incorporation of the said company for the commencement of construction and the completion of the said railway is hereby extended, and the construction of the said railway shall be commenced within four years and completed within six years from the time at which the said  
recited



recited Act was passed and assented to; and the said recited Act shall be construed and read as if the said last mentioned periods had been inserted therein, instead of the periods of two and four years.

2. The municipal by-laws granting aid to the said company and the debentures issued thereunder, are hereby declared to be valid and binding, notwithstanding any omissions or defects in point of form or otherwise howsoever; and the said debentures and the interest coupons attached thereto shall be handed over to the said company by the trustees under the said by-laws at the time and in the manner directed by said by-laws for handing over the said debentures, notwithstanding that the time for the commencement and completion of said railway has been extended, as in the first section of this Act mentioned: Provided, the said railway is commenced within the period in this Act mentioned.

Municipal by-laws confirmed.

Handing over of debentures.

### CAP. LIII.

#### An Act to amend the Act incorporating the North Simcoe Railway Company.

[Assented to 21st December, 1874.]

WHEREAS the North Simcoe Railway Company have prayed for certain amendments of their charter, and for an extension of the powers conferred upon them thereby:

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. All by-laws passed by any municipality or voted upon by the ratepayers of any municipality, when passed for the purpose of aiding the said North Simcoe Railway Company, under the twenty-third section of the Act passed in the thirty-seventh year of Her Majesty's reign, chaptered fifty-four, and intituled, "An Act to incorporate the North Simcoe Railway Company," and all debentures to be issued under such by-law or by-laws, shall be and are hereby declared to be legal and valid: Provided, that such by-law or by-laws have been adopted by a majority of legally qualified ratepayers who have voted thereon: Provided also, that the annual rate of assessment shall not in any case exceed for all purposes, three cents in the dollar on the actual value of the whole ratable property within the jurisdiction of each municipality granting such bonus.

All municipal by-laws and debentures thereunder declared valid.

Proviso.

2. The said North Simcoe Railway Company shall have full power and authority to extend the construction of their

Power to extend line

their railway from some point on the line of the proposed road of the said Company in the Township of Vespra to some point on the line or lines of the Toronto, Grey and Bruce Railway, or the Northern Railway of Canada, or any or all other Railways in the County of York or Peel,

37 V. c. 54 and certain clauses of the Railway Act to apply to this Act.

3. All the clauses and provisions contained in the said Act incorporating the said North Simcoe Railway Company, and the several powers and authorities conferred upon such Company by such Act, and the several clauses of the General Railway Act, mentioned and referred to in the said Act, shall apply to the extended lines or branches authorized hereby.

## CAP. LIV

An Act to incorporate the "Port Stanley, Strathroy and Port Franks Railway Company."

[Assented to 21st December, 1874.]

Preamble.

WHEREAS the construction of the Railway from a point on Lake Erie at or near the Village of Port Stanley in the County of Elgin, and from thence to a point in or near the Town of Strathroy in the County of Middlesex, and thence to a point at or near the Village of Arkona, and thence to a point at or near Widder Station, and thence to a point on Lake Huron at or near the Village of Port Franks, has become desirable for the development of the resources of certain portions of said Counties of Elgin, Middlesex and Lambton, and for the public convenience and accommodation of the inhabitants thereof;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation.

1. John Beverley Cummins, Alexander Johnston, John English, George W. Ross, M.P., Richard Dunbrell, Donald McKenzie Cameron, William Rapley, William T. Pearce, Francis Craig, Richard Pincombe, Robert Nicholson, Hugh McColl, Menno Springer, George Mansfield, James Daniel Deevan, James Noble, Alfred H. Kittredge, Patrick O'Dwyer, Robert Colin Scatcherd, Donald McLeod Telford, Saltern Givens Chamberlain, Burrows Henry Rothwell, David W. Varey, Robert Rae, John Sheppard, Captain Batts, Major Ellison, George Elliot Casey, M.P., Captain John Sweeney, Jonas Cornell, Martin Watson, Thomas Kirkpatrick, M. Bice, M.D., Donald Cameron, H. Howe, B. Learn, John Cant, Alexander Champion, George Eastman, Stephen Cornell, C. M. Eastman, Henry Saul, William Vahay, Alexander Dickson, M. J. Langel, H. Eccles, M.D., Lenard Huffman,

Huffman, John D. Eccles, John Dalziel, Alfred Wilson, John Ironsides, A. McEvoy, Thomas Northcott, Dugald Leitch, James Ferguson, Eli Griffith, John Bateman, Godfrey McGugan, Thomas Gordon, Christopher Cornell, John Morgan, jun., Patrick Mee, P. Murray, John Wiley, Thomas Cuddy, William Miller, Richard Saul, Robert Robertson, Timothy Hay, Luke Hagle, Peter Graham, Alexander Davidson, William Thompson, sen., David S. Cornell, Major Campbell, H. Eccles, Robert Brown, Thomas Moyle, T. Lightfoot, Thomas Hughes, James Cameron, J. D. Sutherland, Edward Goldrick, Daniel Carnaghan, Thomas Crawford, Joseph Cornell, Michell D. Drake, Sheriff Munro, Dr. Gustin, J. P. Martyn Archibald McLaughlin, Lawrence Cleverdon, D. A. Campbell, Wm. Murdock, James McCordie, John Dallas, Martin Morningstar, Henry Utter and Daniel McPerson, together with such other persons, and corporations as shall in pursuance of this Act become shareholders of the said Company, hereby incorporated are hereby constituted and declared to be a body corporate and politic by the name of "The Port Stanley, Strathroy and Port Franks Railway Company."

Corporate name.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada and amendments thereto, and also the several clauses thereof with respect to "interpretation" "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities" "shareholders," "actions for indemnity, and fines and penalties and their prosecution," "by-laws, notices &c.," "working of the railway," and "general provisions," shall be incorporated with and be deemed a part of this Act, and shall apply to the said Company and to the Railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof: The expression, "this Act" when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

Certain clauses of the Railway Act to apply.

Interpretation of the words "this Act."

3. The said company shall have full power under this Act to construct a railway from a point on Lake Erie, at or near the Village of Port Stanley, in the County of Elgin, and from thence to a point in or near the Town of Strathroy, in the County of Middlesex, and thence to a point at or near the Village of Arkona, and thence to a point at or near Widder Station, and thence to a point on Lake Huron, at or near the Village of Port Franks, with full power to pass over any portion of the county between the points aforesaid, and to carry the said railway through the Crown lands, if any, lying between the points aforesaid.

Location of main line.

4. It shall be lawful for the said Company to enter into any agreement with the Canada Southern Railway Company, the Grand Trunk Railway Company, or any other railway company

Agreements with other Railway Companies.

pany, for leasing the said railway or any part thereof, or the use thereof at any time or times, or for any period, to the Canada Southern Railway Company or Grand Trunk Railway Company, or such other company, or for leasing or hiring from any other company any railway or part thereof, or the use thereof, or for the leasing or hiring any locomotives, tenders or movable property, and generally to make any agreement or agreements with the Canada Southern Railway Company, Grand Trunk Railway Company, or any such other company, touching the use, by the one or the other, or by both companies, of the railway or movable property of either or both, or any part thereof; and any such lease or agreement shall be valid and binding and shall be enforced by a court of law according to the terms and tenor thereof; and the Canada Southern Railway Company, Grand Trunk Railway Company, or any other company accepting and executing such lease or agreement, shall be and is hereby empowered to exercise all the rights and privileges conferred on the said Port Stanley, Strathroy and Port Franks Railway Company by this Act: Provided that no such agreement shall be valid unless the same shall have been sanctioned by a two-thirds majority at a general meeting of the shareholders of the Port Stanley, Strathroy and Port Franks Railway Company, specially convened for that purpose.

Gauge.

5. The said railway may be of any gauge.

Form of conveyances to the Company.

6. Conveyances of lands to the said Company for the purposes of and powers given by this Act, made in the form set out in the Schedule "A" hereunder written, or to the like effect shall be sufficient conveyance to the said Company, their successors and assigns, of the estate or interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner, and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Provisional directors.

7. From and after the passing of this Act, the said several persons named in the first section of this Act, shall be the provisional directors of the said Company.

Their powers.

8. The said provisional directors, until others shall be named as hereinafter provided, shall constitute the board of directors of the Company, with power to fill vacancies occurring thereon, to associate with themselves thereon not more than three other persons who, being so named, shall become and be provisional directors of the company, equally with themselves; to open stock books, to make a call upon the shares subscribed therein; to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided; and with all such other powers



powers as under the Railway Act, and any other law in force in Ontario, are vested in such boards.

9. The capital of the company hereby incorporated shall be two hundred thousand dollars (with power to increase the same in the manner provided by the Railway Act) to be divided into four thousand shares of fifty dollars each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the survey, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment and completion of the said railway, and the other purposes of this Act, and no other purposes whatever; and until such preliminary expenses shall be paid out of the capital stock, it shall be lawful for the municipality of any city, county, township, town or village to pay out of the funds of such municipality, or for any individual or individuals to pay and advance, either by way of bonus or donation, or by way of loan, to the said company, such preliminary expenses, or any part thereof, as to the council of such municipality, or to such individual or individuals may appear expedient: and in case of a loan, any such sum thus advanced shall be refunded to the municipality or individual or individuals from the stock of the said company, or shall be allowed in payment of any stock which may be subscribed for by such municipality or individual or individuals.

Capital of the Company, \$100,000, with power to increase.

Application of capital.

Aid to the company.

10. On the subscription for shares of the said capital stock each subscriber shall pay ten per centum of the amount subscribed by him into some chartered bank to be designated by the directors, to the credit of the said company.

Deposit ten per cent. on subscription

11. Thereafter, calls may be made by the directors for the time being, as they shall see fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, nor at intervals of less than thirty days.

calls.

12. As soon as shares to the amount of one hundred thousand dollars of the capital stock of the said company shall have been subscribed, and ten per centum thereof paid into some chartered bank having an office in the Town of Strathroy, (which shall on no account be withdrawn therefrom unless for the service of the company,) the directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum thereof, for the purpose of electing directors of the said company.

First election of Directors.

13. In case the provisional directors neglect to call such meeting for the space of three months after such amount of the capital

Neglect to call meeting.

capital

capital stock shall have been subscribed and ten per centum thereof so paid up, the same may be called by any of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon.

Time and  
place of meet-  
ing.

Election of  
directors,

rules and by-  
laws.

Annual meet-  
ing.

Power to call  
special meet-  
ings.

Scale of votes.

Qualification  
of Directors.

Quorum of  
Directors.

**14.** In either case, notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one newspaper in the Counties of Elgin, Middlesex, and Lambton, once in each week, for the space of at least four weeks, and such meeting shall be held as the directors may determine, at such place and on such day as may be named by such notice; at such general meeting the subscribers for the capital stock assembled, who shall have so paid up ten per centum thereof, with such proxies as may be present, shall choose seven persons to be the directors of the said company, and may also make or pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

**15.** Thereafter the general annual meeting of the shareholders of the said company shall be held in such place and on such days and on such hours as may be directed by the by-laws of the said company, and public notice thereof shall be given at least four weeks previously, in the *Ontario Gazette*, and once a week in a newspaper published in each of the Counties of Elgin, Middlesex, and Lambton.

**16.** Special general meetings of the shareholders of the said company may be held at such place as the directors may determine, and at such times and in such manner and for such purposes as may be provided by the by-laws of the said company.

**17.** Every shareholder of one or more shares of the said capital stock shall at any general meeting of the shareholders, be entitled to one vote for every share held by him, and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

**18.** Any meeting of the directors of the said company, regularly summoned, at which not less than four directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors.

**19.** No person shall be qualified to be elected as such director by the shareholders, unless he be a shareholder holding at least twenty shares of stock in the company, and unless he has paid up all calls thereon.

**20.** It shall be lawful for any municipality or municipalities, or any county municipality, or any portion of such municipality or municipalities which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company pass or be situated, to aid and assist the said company by loaning or guaranteeing or giving money, by way of bonus or other means, to the company, or issuing municipal bonds to, or in aid of, the company, and otherwise in such manner and to such extent as such municipalities, or any of them, shall think expedient: Provided always, that when said bonds or debentures are granted by a portion of a municipality, the bonds or debentures so granted shall be the bonds or debentures of the municipality; and that no such aid, loan, bonus, or guarantee shall be given except after the passing of by laws, for the purpose and the adoption of such by-laws by the ratepayers as provided in the Municipal Act for the creation of debts.

Aid to company from municipalities.

Proviso.

**21.** Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

Manner of submitting by-law to ratepayers.

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount; and the council shall within six weeks after the receipt of such petition, by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

2. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy-reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act;

3. In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of twenty resident freeholders, being duly qualified voters as aforesaid;

4. In the case of two or more minor municipalities, or sections of two or more such municipalities, or of two or more such municipalities, with a section or sections of one or more minor municipalities forming part of a county municipality, the petition is to be presented to the county council, describing the portions to be grouped, and defining any section by metes and bounds, and shall be that of a majority of each of the councils of such minor municipalities respectively, or of twenty resident freeholders in each of the said minor municipalities or sections proposed to be grouped, being duly qualified voters as aforesaid.

**22.** In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same, shall read the said by-law a third time and pass the same.

If by-law carried, council to pass the same.

**23.** Within one month after the passing of such by-law, the said council and the warden, mayor, reeve, or other head thereof

Issue of the debentures.

thereof, and the other officers thereof, shall issue the debentures for the bonus thereby granted and deliver the same to the trustees appointed or to be appointed under this Act.

Levying rate on portion of a municipality for payment of the debentures.

**24.** In case any bonus be granted by a portion of a municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon, shall be assessed and levied upon such portion only of the municipality.

Certain provisions in the Municipal Act, applicable.

**25.** The provisions of the Municipal Acts so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a municipality, to the same extent as if the same had been passed by or for the whole municipality.

By-laws for levying the annual rate.

**26.** All by-laws to be submitted to such vote for granting bonuses to the said company shall be valid, although the amount of the annual rate to be levied in pursuance thereof shall exceed two cents in the dollar.

Exemption from taxation

**27.** It shall further be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate, by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient not exceeding twenty-one years.

Certain municipalities may appoint directors.

**28.** Any municipality which shall grant a bonus of not less than eight thousand dollars in aid of the said company, the council of such municipality shall be entitled to name a director for each eight thousand dollars in the said company as the representative of such municipality; and such directors shall be in addition to all shareholders, directors in the said company, and shall not require to be a shareholder in the said company, and shall continue in office as director in the said company until his successor shall be appointed by the municipality which he represents.

Debentures to be delivered to trustees.

**29.** Whenever any municipality shall grant a bonus to aid the said company in making, equipping and completing the said railway, the debentures thereof, shall within six weeks after the passing of the by-law authorizing the same, be delivered to three trustees, to be appointed as follows: one by the reeves of the municipalities in the Counties of Elgin, Middlesex, and Lambton, through which the said railway passes, one by the railway company, and one to be named by the Lieutenant-Governor in Council: Provided, that if the Lieutenant-Governor in Council shall refuse or neglect



neglect to name such trustee within one month after notice in writing to him, requesting him to appoint such trustee, the said company shall be at liberty to name one in the place of the one to have been named by the said Lieutenant-Governor in Council.

**30.** Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council with the consent of the said company; and in case any trustee die or resign his trust, or go to live out of Ontario, or otherwise become incapable to act his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of the said company.

Appointment of new trustees.

**31.** The Act of any two such trustees shall be as valid and binding as if the three had agreed.

Acts of two trustees to be binding.

**32.** The said trustees shall receive the said debentures in trust; firstly, to convert the same into money; secondly to deposit the amount realized from the sale of such debentures in some of the chartered banks having an office in Strathroy in the name of the "Port Stanley, Strathroy and Port Franks Railway Municipal Trust Account," and to pay the same out to the said company from time to time on the certificates of the chief engineer of the said railway in the form set out in Schedule B hereto or to the like effect, setting out the portion of the railway to which the moneys to be paid out is to be applied, and the total amount expended on such portion to the date of the certificate, and that the sum so certified does not exceed *pro rata* amount per mile for the length of the road or a portion of the road to be applied on the work so done; and such certificates shall be attached to the cheques to be drawn by the said trustees; and the wrongfully granting any such certificate by such engineer shall be punishable by penalty of not less than one hundred dollars, recoverable in any Court of competent jurisdiction in the Province of Ontario.

Trusts upon which the debentures are to be held.

**33.** Any county in which is or are situated a town or township, or townships, or portions of a township, that shall grant a bonus or bonuses in aid of the said company shall be at liberty to take the debentures issued by such town or township, or townships or portion of a township, and in exchange therefor to hand over to the trustees under this Act the debentures of the county, on a resolution being passed to that effect by a majority of the county council.

Township debentures may be exchanged for county debentures.

**34.** The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting, to be called from time to time for that purpose, shall have power to issue bonds made and signed by the president or vice-president of the said company, and counter-signed

Issue of bonds by the company.

signed by the secretary and treasurer, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall without registration or formal conveyance be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the company real and personal, then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the company as aforesaid: Provided however, that the whole amount of such issue of bonds shall not exceed in all the sum of ten thousand dollars per mile of the said road: And provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company all holders of bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting as are attached to shareholders: Provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Negotiable instruments.

**35.** The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the said company affixed to such promissory notes or bills of exchange; or shall the president or vice-president, or the secretary and treasurer, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer or intended to be circulated as money, or as the notes or bills of a bank.

Power to acquire lands.

**36.** Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price and to greater advantage than by purchasing the railway line only, the company may purchase, hold, use or enjoy such land and also the right of way thereto,

thereto, if the same be separated from their railway, and to sell and convey the same or part thereof from time to time as they may deem expedient.

**37.** When stone, gravel or any other material is or are Acquiring gravel, &c. required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required; and they shall serve a copy thereof, with their notice of arbitration as in the case of acquiring the roadway; and the notice of the arbitrators, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway; and all the provisions of the Railway Act as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section and to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary, the notice of arbitration in case arbitration is resorted to, to state the interest required.

**38.** When said gravel, stone or other materials shall be taken Laying tracks to gravel pits. under the preceding sections of this Act at a distance from the line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the railway Act and of the special Acts relating to said company's Act, except such as relates to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

**39.** The railway shall be commenced within two years and Commencement and completion of railway. completed within five years after the passing of this Act, or else the charter shall be forfeited so far as relates to so much of the railway as may not then be completed.

**40.** The company shall have full powers to purchase or lease Power to purchase or lease wharves, &c. any wharves, piers, or harbours at the lake termini of the railway, and also to purchase or lease any land for the purpose of erecting and to erect thereon warehouses, elevators, docks, stations,



stations, workshops and offices, and to sell, dispose of, and convey all such lands as they may now or hereafter deem superfluous, and convey such lands by deed under their common seal and a deed so executed shall be effectual to vest the lands comprised therein in the grantee or purchaser of the said lands, freed and discharged of the said charge or lien as though he had acquired the same from the party or parties from whom the same had of the said railway company been obtained.

Rights of  
Aliens.

41. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the Company, and all shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said Company.

Steam-tugs  
and vessels.

42. The said Company shall have power to purchase, build, fit out, complete and charter, sell or dispose of, work, control, and keep in repair, steam-tugs, barges, and other vessels, to ply in connection with the said railway.

Telegraph  
Companies.

43. For the purpose of constructing, working and protecting the telegraph lines to be constructed by the said company on their line of railway, the powers conferred on telegraph companies by the Act respecting Electric Telegraph Companies, are hereby conferred upon the said company, and the other provisions of the said Act for the working and protecting of telegraph lines shall apply to any such telegraph lines constructed by the said company.

## SCHEDULE "A."

(Section 6.)

Know all men by these presents, that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of dollars paid to me (or us) by the Port Stanley, Strathroy and Port Franks Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (*insert the name of any other party or parties*) in consideration of dollars paid to me (or us) by the said Company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels (*as the case may be*)) of land situate (*describe the land*) the same having been selected and laid out by the said Company for the purposes of their said railway; to hold with the appurtenances unto the said "The Port Stanley, Strathroy and Port Franks Railway Company," their successors and assigns (*here insert any other clauses, covenants or conditions required*); and I (or we) the wife (or wives) of the said do hereby bar my claim (or our) dower in the said lands.



As witness my (or our) hand and seal (or hands and seals)  
 this day of one thousand eight hun-  
 dred and

Signed, sealed and delivered } [L.S.]  
 in the presence of }

### SCHEDULE "B."

(Section 32.)

#### CHIEF ENGINEER'S CERTIFICATE.

THE PORT STANLEY, STRATHROY AND PORT FRANKS  
 RAILWAY COMPANY'S OFFICE, A.D. 18

No.

Certificate to be attached to cheques drawn on the Port Stanley, Strathroy and Port Franks Railway Municipal Trust-account, and given under section of cap.  
 38 Vict.

I, Chief Engineer for "The Port Stanley, Strathroy and Port Franks Railway Company" do hereby certify that there has been expended in the construction of mile No. (the said mileage being numbered consecutively from the point of commencement at ) the sum of dollars, to date, and that the total *pro rata* amount due for the same from the said municipal trust account amounts to the sum of dollars which said sum of dollars is now due and payable as provided under said Act.

### CAP. LV.

An Act to amend the Act amending and consolidating the Act incorporating the Stratford and Huron Railway Company, and the Acts reviving and amending the same.

[Assented to 21st December, 1874.]

WHEREAS the Stratford and Huron Railway Company Preamble.  
 has, by its petition, prayed that an Act, intituled an Act consolidating and amending the Act incorporating the Stratford and Huron Railway Company and the Acts reviving and amending the same, passed in the thirty-sixth year of the  
 L reign

reign of Her Majesty Queen Victoria, and chaptered eighty-seven, may be amended as hereinafter mentioned; And whereas it is expedient to grant the prayer of the said Petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

36 V., c. 52, s.  
2, amended.

New location  
of main line.

Branches.

Confirmation  
of election of  
directors.

Section 28  
amended.  
Right of munici-  
pality to ap-  
point directors.

Sec. 31 amend-  
ed. Deposit  
of trust funds.

Sec. 33 amend-  
ed. Limit to  
issue of bonds  
\$1200 per  
mile.

Company may  
pledge bonds.

1. The second section of the said Act is hereby amended by striking out all that portion of the said section which follows the words "in the County of Perth," and by substituting for the portion so struck out the words "to the Town of Owen Sound and the Village of Wiarton, or to either of those places, or to some other point or points on the Georgian Bay, within the County of Grey or Bruce, that may seem most expedient for establishing a terminus or termini of the said Railway; and with power to make branches from some point or points on the main line to any point or points on Lake Huron, within the County of Huron or Bruce."

2. The election of Samuel Street Fuller, David Tisdale, Thomas John Clarke, James E. Bullock, Alexander Williamson the younger, Valentine Kertcher and Frank S. Dobson, as Directors of the said Company, at a general meeting of the subscribers of the capital stock thereof, held at the Town of Stratford in the County of Perth, on the second day of September one thousand eight hundred and seventy-four, is hereby confirmed.

3. The twenty-eighth section of the said Act is hereby amended by striking out the words "thirty," in the second line thereof, and substituting therefor the word "fifty;" Provided that such amendment shall not extend to, or affect the right of any municipality, which heretofore shall have granted a bonus of not less than thirty thousand dollars in aid of the said Company, to name a Director in the said Company, as by the said twenty-eighth section is provided; but such municipality shall continue to hold and enjoy such right and privilege as if this Act had not been passed.

4. The thirty-first section of the said Act is hereby amended by striking out the words "in the Town of Stratford," in the fourth line thereof, and substituting therefor the words "in the Province of Ontario."

5. The thirty-third section of the said Act is hereby amended by striking out the word "ten" in the seventeenth line thereof, and substituting therefor the word "twelve."

6. The said Company may from time to time for advances of money to be made thereon, mortgage or pledge any bonds, debentures or mortgage securities which under the provisions of the said Act and of this Act, can be issued for the construction of the said Railway and the branches or any of them.

7. Any municipality through which the said Railway may pass is empowered to grant by way of gift to the said Company any lands belonging to such municipality, which may be required for right of way, station grounds, or other purposes connected with the running or traffic of the said Railway; and the said Railway Company shall have power to accept gifts of land from any Government or any person and body politic or corporate; but such land, when not required for the actual use of the Company, shall be sold and absolutely disposed of within five years after the same has been given to the Company.

Company may receive gifts of lands.

8. It shall and may be lawful for the council of any municipality which has granted or may grant a bonus or bonuses to the said Company and such council is hereby empowered to extend the time for the commencement and for the completion of the construction of the said Railway, or any part thereof, or any of the works, buildings, or undertakings thereof, where such periods or either or any of them have been or hereafter shall be fixed by a by-law or by-laws sanctioning the grant of such bonus or bonuses, whether such time shall have elapsed before the said council shall so extend the same or not, and whether such time shall have elapsed before the passing of this Act or not.

Municipal Councils empowered to extend time for commencement and completion of Railway &c.

9. The Directors of the Company may with the sanction of the shareholders but not otherwise, make and issue, as paid up stock, stock in the said Company whether now subscribed for or not, and may allot and hand over such stock as paid up stock and the bonds of the Company to any creditor of the said Company who may accept the same in payment and satisfaction of his claim against the said company.

Company may pay creditors in paid up stock and bonds.

10. A certain by-law of the Town of Stratford, in the County of Perth, passed by the municipal council thereof on the fourteenth day of April, in the year of our Lord one thousand eight hundred and seventy-three, numbered one hundred and seventy-three, and intituled a by-law "to aid and assist the Stratford and Huron Railway Company by giving thirty thousand dollars by way of bonus to the said Company, and to issue debentures therefor, and to authorise the levying of a special rate for the payment of the said debentures and the interest thereon," and all debentures issued or to be issued under such by-law shall be and are hereby declared to be good, valid, legal, binding and effectual and shall be held to have been good, valid, legal, binding and effectual from the time of the passing thereof, upon the corporation of the said Town of Stratford, the several ratepayers therein, and whom else it may concern.

By-law No. 173 of the Town of Stratford confirmed.

11. Notwithstanding the lapse of any time limited by the said Act for commencing and completing the said Railway, or by this Act for commencing and completing the said Railway, the

Commencement and completion of Railway.

the said Acts shall continue in full force, and any by-laws granting aid shall continue in force; and the times for commencing and completing the construction of the said Railway are hereby respectively extended for periods of six months and seven years from the passing of this Act.

Repeal of inconsistent enactments.

**12.** Such parts of the following Acts of the Parliament of the late Province of Canada, that is to say: An Act passed in the eighteenth year of Her Majesty's reign, and chaptered one hundred and eighty-four, an Act passed in the Session held in the nineteenth and twentieth years of Her Majesty's reign, and chaptered twenty-six; and an Act passed in the twenty-eighth year of Her Majesty's reign, chaptered eighty-eight; and of an Act of the Legislative Assembly of the Province of Ontario passed in the thirty-fifth year of Her Majesty's reign and chaptered fifty one, and of an Act of the Legislative Assembly of the Province of Ontario, passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, and chaptered eighty-seven, as are inconsistent with this Act, are hereby repealed.

## CAP. LVI.

An Act to amend the several Acts relating to the Toronto, Grey and Bruce Railway Company.

[Assented to 21st December, 1874.]

Preamble.

**W**HEREAS certain of the bonds of the Toronto, Grey and Bruce Railway Company, issued in pursuance of the twenty-first section of the Act passed in the thirty-first year of Her Majesty's reign, chaptered forty, incorporating the said Company are about shortly to fall due, and it is necessary to make provision for payment of the bonds issued under said Act:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Loan capital of company.

**1.** On and after the first day of March, one thousand eight hundred and seventy-five, the loan capital of the Company which they shall have power to create and issue shall be fixed at the sum of two millions, two hundred and fifty thousand dollars, and shall consist of debenture stock and terminable bonds, or either which shall have co-ordinate lien, and without registration or formal conveyance shall be a first mortgage and charge upon the Railway, upon all and every the undertaking, and upon the real and personal property of the Company, including its rolling stock and equipments then existing and at any time thereafter acquired, together with the franchises of the said Company.

Lien thereof.



2. The Directors of the said Company, after the sanction of the shareholders shall have been first obtained at any special meeting, to be called from time to time for such purpose, shall have power to issue the debenture stock and terminable bonds in such amounts and manner, on such terms, subject to such conditions and with such rights and privileges as the directors from time to time may think proper and convenient, and such bonds and stock shall be without any preference of one above another by reason of priority of date of issue or otherwise howsoever: the principal sum of all bonds to be issued, as well as the interest payable thereon, shall be payable in the same manner, on the same terms, and at the same time: the debenture stock shall be issued to secure one uniform rate of interest (although the rate of interest may be different from that to be paid on bonds).

Power to issue  
debenture  
stock and  
terminable  
bonds.

3. The bonds which may be created as part of the loan capital shall be under the common seal of the company and shall be signed by the president or vice-president of the company and countersigned by the secretary; they may be issued as payable to bearer either in sterling or in the currency of Canada at such place or places in Canada or Great Britain as may be deemed advisable; they shall be transferable by delivery, and the holder of any bond made payable to bearer may sue thereon in his own name.

Form of bonds.

4. The debenture stock which from time to time shall be created as part of the loan capital, shall be entered by the company in a register to be kept for that purpose, wherein they shall enter the names and addresses of the several persons and corporations from time to time entitled to debenture stock with the respective amounts of the stock to which they are respectively entitled; and the register shall be accessible for inspection and perusal at all reasonable times to every bond-holder or debenture stock-holder of the company without the payment of any fee or charge.

Registration  
of debenture  
stock

5. The company shall deliver to every holder a certificate stating the amount of debenture stock held by him; and all regulations or provisions for the time being applicable to certificates of ordinary shares in the capital of the company, and transfer of such shares shall apply *mutatis mutandis* to certificates and transfers of debenture stock.

Debenture  
stock certi-  
ficate

6. The terminable bonds which shall have been created and issued before the said first day of March, one thousand eight hundred and seventy-five, shall form part of the said loan capital, and in every respect shall stand *pari passu* therewith; and on and after the said day no more bonds shall be issued under and by virtue of the twenty-first section of the statute passed in the thirty-first year of the reign of Her Majesty Queen Victoria, chaptered forty, or of any other powers contained in any of the acts relating to the company except this Act.

Certain ter-  
minable bonds  
to form part of  
loan capital.

Limit to issue.

Calling in  
old bonds.

7. It shall be the duty of the directors by proper diligence and all reasonable means, to call in all the bonds which shall have been issued prior to the first day of March, one thousand eight hundred and seventy-five, by means of the substitution or the sale or otherwise, of the bonds and debenture stock herein-before authorised to be issued as part of the loan capital, upon such terms as to the directors may seem proper; provided that such securities shall not be otherwise applied (except as herein-after provided), and that the loan capital outstanding at any time, shall not be in excess of the limit of two millions, two hundred and fifty thousand dollars.

Manner of  
raising loan  
capital.

8. The directors shall not have power to raise any part of the amount of the loan capital, which shall be found to be in excess of the amount of bonds, which shall have been created and issued before the first day of March, one thousand eight hundred and seventy-five, until two-thirds of the said bonds shall have been paid, or surrendered, or exchanged for other bonds or debenture stock, and that an amount of the loan capital shall be reserved, to meet the remaining one-third of the said bonds, and not to be otherwise applied, which shall be equal in proportion to the amount of loan capital which shall have been applied to secure the payment, or surrender, or exchange of the said two-thirds of the said bonds issued prior to first day of March, one thousand eight hundred and seventy-five.

Limit to crea-  
tion of bond  
debt.

9. The bond debt of the company created or to be created prior to the first day of March, one thousand eight hundred and seventy-five, under the said twenty-first section of the Act passed in the thirty-first year of Her Majesty's reign, Victoria, chaptered forty, shall not exceed in the whole the sum of one million, six hundred thousand dollars.

What shall  
be considered  
money borrow-  
ed under the  
statutory  
powers of the  
company.

10. Money borrowed by the Company for the purpose of paying off, and afterwards duly applied in paying off bonds of the Company given or made under any of the statutory powers of the Company, shall so far as the same is so duly applied, be deemed money borrowed within and not in excess of such statutory powers.

Transfer of  
debenture  
stock.

11. All transfers of debenture stock of the Company shall be registered at the office of the Company in Toronto, in Canada, and not in any office of the Company which may be established in Great Britain, but all such transfers may be left at the office of the Company in Great Britain, or at any other place in Great Britain which the Company may indicate, for the purpose of being transmitted to the office of the Company in Toronto for the purpose of registration.

Monthly state-  
ment of pro-  
gress of sale of  
bonds or stock.

12. It shall be the duty of the directors to exhibit monthly, at the head office of the Company at Toronto, and at the said office or office or place in Great Britain or such other place in Great

Great Britain, where the bonds or the interest thereon, or the interest on the debenture stock are payable, a statement of the progress of the sale, exchange, or substitution of the bonds or debenture stock, together with the rate or price at which the same shall have been sold or exchanged, until the payment or redemption of the whole of the bonds issued prior to the first day of March, one thousand eight hundred and seventy-five, shall have been accomplished.

**13.** In the event at any time of the interest upon the loan capital remaining unpaid and owing, whether the same be held in bonds or debenture stock, then at the next general annual or special meeting of the company all holders of bonds or debenture stock shall have and possess the same rights and privileges and qualifications for Directors and for voting as are attached to ordinary shareholders; Provided that the bonds, debenture stock and any transfers thereof shall have been first registered in the same manner as is provided for the registration of ordinary shares.

Rights of holders of bonds or stock with interest in arrear.

**14.** If within thirty days after the interest on the loan capital whether on debenture stock or on bonds is payable, the same is not paid, any one or more of the holders of the debenture stock or bonds holding individually or collectively a sum equal to one-tenth of the aggregate amount of the loan capital may (without prejudice to the right to sue in any court of competent jurisdiction for the interest in arrear) obtain the appointment of a receiver, and if the court think fit of a manager of the undertaking of the company on application by petition in a summary way to the Court of Chancery for Ontario; and no receiver or manager shall be appointed by any court on the application of any person or persons who do not individually or collectively hold such debenture stock or bonds or both amounting in the aggregate to one tenth of the said loan capital: All money received by such receiver or manager shall after due provision for the working expenses of the railway and other proper outgoings in respect of the undertaking be applied under the directions of the court ratably and without priority among all the proprietors of debenture stock and holders of bonds to whom interest is in arrear, and on payment thereof the court may if it think fit discharge such receiver or such receiver and manager.

Proceedings where interest on loan capital is in arrear.

Receiver, appointment and duties of.

**15.** Any holder of terminable bonds may, at any time, with the consent of the directors of the company, deliver up the terminable bonds held by him in exchange for debenture stock at par, or at such rate as the directors may fix.

Exchanging terminable bonds for debenture stock.

**16.** The said company shall have the right on and after the first day of November, in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever lying along the route or line of said railway; and to erect and maintain such fences thereon subject

Right to enter upon lands.



ject to the payment of such land damages (if any) as may be thereafter established in the manner provided by law, in respect to such railway to have been actually suffered : Provided always, that any such snow fences so erected shall be removed on or before the first day of April then next following.

## CAP. LVII.

### An Act to amend the Acts relating to the Toronto and Nipissing Railway Company.

[Assented to 21st December, 1874.]

#### Preamble.

WHEREAS the Toronto and Nipissing Railway Company have prayed for certain amendments to their charter, and for an extension of the powers conferred upon them thereby, and to relieve them from certain disabilities ; And whereas, there are now outstanding first preference bonds of the said Railway Company to the amount of six hundred and seventy-two thousand five hundred dollars, and ordinary money bonds and a floating debt to the amount of about two hundred and forty-four thousand five hundred dollars, but the latter are not liens upon the said Company's line of Railway and property ; And whereas, some of the said first preference bonds will shortly become due, and the Company is desirous to be, and it is expedient that it be authorized to redeem the said bonds and to issue new bonds :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

#### Issue of new Bonds

1. The directors of the said Company after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue new bonds to an amount not exceeding nine hundred thousand dollars, payable in London in England or elsewhere as the Company shall think fit, and bearing interest at a rate not exceeding eight per centum per annum payable half-yearly, and the payment of the principal on such new bonds may be made payable at any time not exceeding twenty years from the issuing thereof, and in such amounts and otherwise as the Company may think fit to agree upon when issuing such new bonds with the intended holders thereof ; and such bonds shall be under the seal of the Company, and signed by the president or vice-president, and countersigned by the secretary ; and the proceeds from the sale of such new bonds shall be applied, firstly, in payment of the first preference bonds now outstanding ; secondly, in payment of the ordinary money bonds of the Company ; thirdly, in discharging of any other liabilities

#### Application of the moneys raised on the new bonds.



bilities of the Company; and any balance thereafter may be used or applied as the Company see fit: and such new bonds shall without registration or formal conveyance, but subject to the rights of such of the holders of the said existing bonds in the recital to this act mentioned as may not consent to be redeemed or to exchange their said bonds for the bonds authorized by this Act, be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the Company, real and personal and then existing and at any time thereafter acquired, and all extensions made or to be made thereof and the franchises of the Company as aforesaid in priority to all other charges and incumbrances whatsoever, save as are herein excepted. Lien of bonds.

2. The said Company with the consent of any holders thereof may call in and pay off or cancel all or any of their said outstanding bonds or exchange the same for bonds issued as herein provided. Calling in old bonds.

3. The holders of the bonds issued as herein provided may from time to time, without prejudice to any other right or remedy, enforce payment of any arrears of interest by the appointment of a receiver, and the court of chancery may, upon application of the holders of said bonds for an amount of not less than one hundred thousand dollars upon which any payment of principal or interest shall be in arrears, appoint a receiver accordingly. Appointment of a receiver.

4. The said Company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any Corporation or person whatsoever lying along the route or line of said Railway, and to erect and maintain such fences thereon subject to the payment of such land damages (if any) as may be thereafter established in the manner provided by law in respect to such railway to have been actually suffered: Provided always, that any such snow fences so erected shall be removed on or before the first day of April then next following. Entering upon lands.

5. The said Company may sell, freed from any charge, mortgage or lien created by this Act, or the Act incorporating the Company, any lands acquired by them and which they do not require for railway purposes by public auction, after giving thirty days' notice of such intended sale in at least one newspaper published in the county in which such lands lie. Company may sell their lands.

## CAP. LVIII.

## An Act to amend the Act incorporating the Trent Valley Railway Company.

[Assented to 21st December, 1874.]

## Preamble.

WHEREAS the Trent Valley Railway Company have petitioned the Legislature for certain amendments to their Act of incorporation, passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, and chapter seventy-six and it is expedient to grant the prayer of their petition :

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

## Line of railway

1. The said Company shall have full power under this Act to construct a railway from any point on Wellers Bay that shall be selected by the directors of said Company, thence along or near the Bay of Quinte to the Village of Trenton, thence northerly and easterly along the Valley of the Trent River, *via* the Village of Frankford until it intersects the Grand Junction Railway near the Village of Stirling, into the Township of Rawdon, with power to form traffic arrangements with any railways that may be intersected, also with power to extend north-easterly into the Townships of Madoc and Marmora, thence into the Valley of the Ottawa by any route the said directors may select.

## Number of directors.

2. The board of directors of the said Company shall consist of seven persons instead of nine as provided in the said Act, but such seven directors shall be elected annually at the general meeting of the said Company in the manner provided in the said Act.

## Scale of votes.

3. Every shareholder of one or more shares of the said capital stock shall at any general meeting of the shareholders be entitled to one vote for every share held by him, and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seek to vote shall have been paid up at least one week before the day appointed for such meeting.

## Quorum of directors.

4. Any meeting of the directors of the said Company regularly summoned at which not less than four shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors.

36 V., c. 76,  
sec. 48 re-  
pealed.

5. Section forty-eight of the said Act is hereby repealed.

6.

6. The by-law numbered seventy-seven passed by the Corporation of the Village of Trenton and intituled "A by-law to raise the sum of thirty thousand dollars as a bonus to be given by the municipality of the Village of Trenton to the Trent Valley Railway Company," be and the same is hereby declared legal, binding, and valid upon the said Corporation of the said Village of Trenton and all other whomsoever.

By-law No. 77  
of Trenton  
confirmed

7. Bonuses that are now granted to said Railway Company and that may be granted hereafter, shall be applied on the said proposed railway commencing at Wellers Bay northerly per mile as the work progresses.

Application of  
bonuses.

8. The time for the commencement of said railway as mentioned in the forty-seventh section of the said recited Act, shall be and is hereby extended to two years from the passing of this Act, and the time for the completion of the said railway in the Townships of Madoc and Marmora is hereby extended to five years from the passing of this Act.

Commence-  
ment and com-  
pletion of rail-  
way.

## CAP. LIX.

An Act to amend the Acts respecting the Wellington, Grey and Bruce Railway Company.

[Assented to 21st December, 1874.]

**W**HEREAS the Wellington, Grey and Bruce Railway Company, hereinafter called the Wellington Company, have under their Act of incorporation passed by the Parliament of the late Province of Canada in the session held in the twenty-seventh and twenty-eighth years of Her Majesty's reign, and the several Acts amending the same, constructed the main line of their railway from Guelph to Southampton which has for some time been worked by the Great Western Railway Company, hereinafter called the Great Western, under the lease and agreement between the two companies in such Acts mentioned; and the Wellington Company have also constructed a branch of their railway to Kincardine, which branch is hereinafter called the Kincardine Fork, to a sufficient extent to be ready for traffic, but the Wellington Company are unable to pay the balance due the contractors and other creditors or to complete the Kincardine Fork according to their agreement with the Great Western, and the contractors retain possession of a portion of the said Kincardine Fork under a claim of lien thereon; And whereas, the several municipalities through which the said Kincardine Fork passes contributed by way of bonus towards its construction the sum of two hundred and fifty-five thousand dollars, and their interests and those of the public generally have suffered

Preamble.

suffered from the same not being opened and worked; And whereas, the Wellington Company have issued bonds in respect of the said Fork to the amount of one hundred and sixty-three thousand nine hundred pounds sterling which have been sold and disposed of, and the interest accruing thereon will fall upon the fund provided out of the earnings of the main line which is insufficient without the fund to be provided out of the earnings of the Kincardine Fork to meet the interest on the bonds issued for the construction of the whole railway; And whereas, the Great Western have not given their consent to the issue of bonds in respect of sidings under the provisions of the second and third sections of the Act passed in the thirty-fourth year of Her Majesty's reign, chaptered thirty-seven; And whereas, it is desirable and necessary in the interests of the public, of both of the said companies and of the holders of bonds heretofore issued that provision should be made for the opening and working of the Kincardine Fork and for the payment of all existing liabilities of the Wellington Company and of a further sum for certain capital expenditure expedient for the more efficient working of the said railway; And whereas, the Great Western have entered into a further agreement with the Wellington Company, bearing date the eleventh day of December, one thousand eight hundred and seventy-four, whereby they have agreed on certain terms to give the necessary consent for the issue of such sidings bonds:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Issue of second mortgage bonds.

1. It shall and may be lawful for the directors of the Wellington Company to issue bonds of the said company in sums of one hundred pounds sterling money of Great Britain each, but not to exceed in the aggregate the sum of one hundred and nine thousand five hundred pounds sterling, which shall be payable on the first day of July, one thousand eight hundred and ninety-one, being the day when the bonds already issued by the Wellington Company are payable, and shall have interest coupons attached thereto at the rate of seven per centum per annum payable half yearly in the meantime on the first days of January and July in each year, and shall on their face be declared to be the Wellington, Grey and Bruce Railway Company's second mortgage bonds issued under the provisions of this Act.

Bonds to be a second mortgage of the Company.

2. And the said bonds shall be secured on a second mortgage in favour of the same persons as are trustees under the mortgage heretofore given, or the trustees thereunder for the time being or such other trustees as may be named by the two Companies, in similar terms to such existing mortgage as nearly as may be; and the same shall be, and be taken and considered to be a lien or charge upon the fund arising from the thirty per centum of gross traffic earnings of the whole line of railway of the said company, payable by the Great Western, in terms of the lease and



and agreements between the companies, next after and subject only to the payment of the bonds heretofore issued and the sidings bonds to be issued in pursuance of the said lease and agreements and the Acts of the said Wellington Company, so that the interest of the second mortgage bonds shall rank and be payable next after the interest on the said other bonds, and the principal of the second mortgage bonds shall rank and be payable next after the principal of the said other bonds; and such second mortgage bonds may be dealt with and disposed of in manner provided in said agreement in that behalf between the two companies dated eleventh December, one thousand eight hundred and seventy-four, and which agreement is, in all respects hereby ratified, legalized and confirmed, and such second mortgage shall form such lien and charge upon the execution thereof without any registration or filing thereof.

I, the Great Western shall by notice in writing on the Wellington Company on or before the thirtieth day of May next, so require the Wellington Company, it shall be the duty of the directors of that company and they are hereby authorized in the name of the company, to issue in lieu of and in substitution for the second mortgage bonds hereinbefore authorized to be issued, or of such part thereof as may be mentioned in such notice, bonds of the Wellington Company herein called *pari passu* bonds in the proportion of sixty-eight of *pari passu* to one hundred of second mortgage bonds; and such *pari passu* bonds and the holders thereof shall stand and be upon the same footing and have even and equal rights and priority with the bonds theretofore issued in respect of the main line and fork and sidings as well in respect of the moneys applicable to the payment of such bonds and to the acquisition thereof as otherwise howsoever, in the same manner and to the same extent as if the said *pari passu* bonds had been in terms secured under the Acts and instruments securing the said other bonds.

*Pari passu*  
bonds in lieu of  
second mort-  
gage bonds.

4. All such bonds hereinbefore authorized shall be signed by the president or vice-president and countersigned by the secretary and shall be assignable at law by delivery and may be sued on or enforced by the several holders thereof in their own names.

Form of bonds.

5. Section eight of the Act incorporating the said Wellington Company is hereby repealed and in lieu thereof it is hereby enacted that on the third Wednesday in July in each year there shall be holden a general meeting of the shareholders of the said Wellington Company at the principal office of the said company in the City of Hamilton, at which meeting the shareholders present or represented by proxy shall elect by ballot five directors for the then ensuing year, of whom three shall be a quorum; and notice of such annual general meeting and election shall be published once in the official *Gazette* at least

Election of  
directors.

Notice of  
annual general  
meetings.

least three weeks before the day of such meeting and once a week for three successive weeks preceding the meeting in a newspaper published in the City of Hamilton; and any business competent to be transacted by the said company may be transacted at such meeting without any special notice thereof; and the persons elected at such meeting together with the ex-officio directors (if any) under the Railway Act shall form the board of directors.

Provision in  
case of failure  
to elect direc-  
tors.

6. If for any reason in any year no election of directors shall take place at the time above named for the annual general meeting, the existing directors shall continue to act and retain their powers until new directors be elected at any subsequent special general meeting called for the purpose or annual general meeting.

Notice of  
special gene-  
ral meeting.

7. Section sixteen of the said Act of incorporation is hereby repealed and in lieu thereof it is enacted that the notice of special general meetings of the company for any purpose shall be given in the same manner as notice of the annual general meeting, and in addition thereto a copy of such notice shall be addressed by post to each shareholder at his last place of abode, if known to the company, not less than ten days before the day of such meeting.

Shares of Com-  
pany to be \$50  
each.

8. Whereas the capital stock of the Wellington Company is at present divided into shares of one hundred dollars each and includes three thousand shares on which only ten per centum or thirty thousand dollars has been paid, and it is expedient that the said stock should be divided into shares of fifty dollars each and that the said three thousand shares should be converted into paid up stock to the amount paid thereon and that the capital of the Wellington Company should be limited; Therefore the stock of the company shall be and is hereby divided into shares of fifty dollars each; and every holder of a share of one hundred dollars shall be entitled in lieu thereof to two shares of fifty dollars each; and the said three thousand shares of stock on which ten per centum only has been paid up shall be and are hereby converted into six hundred shares of fifty dollars each of paid up stock; and the capital of the company shall be and the same is hereby limited to four thousand four hundred and twenty-four shares of fifty dollars each, being two hundred and twenty-one thousand two hundred dollars which have been paid up in full; and it shall be the duty of the directors on demand by any shareholder to furnish a certificate of his holding under the provisions of this clause on the surrender of any certificate or other document of title he may now hold; and in the case of the three thousand shares on which only ten per centum has been paid, and which are hereby so converted into six hundred shares, the Directors shall furnish to the persons beneficially interested in the sum of ten per centum paid thereon, a certificate for one share for every fifty dollars so paid on account

Conversion of  
shares.

of said shares respectively, and such shares shall thereupon become vested in the holder of such certificate.

9. The Great Western, if otherwise lawfully authorized, may hold shares in the capital stock of the Wellington Company and either in their own names or in the names of trustees, and such trustees shall have all the rights and powers of ordinary shareholders.

Great Western  
Railway may  
hold shares in  
the Well-  
ington Company.

## CAP. LX.

### An Act to Incorporate the Toronto, High Park and Mimico Tramway Company.

[Assented to 21st December, 1874.]

**W**HEREAS P. G. Close, R. N. Gooch, John Beaty, Thomas McLean, James E. Smith, Joseph T. Rolph, S. S. McDonell, V. B. Wadsworth, Goldwin Smith, E. O. Bickford, Alexander Macdonell, C. C. Foster, Angus Duncan Macdonell, Dr. S. P. May, W. S. Finch, George Faulkner, Robert Beaty, Joseph Norwich, Dr. W. C. Gwynne, W. G. McWilliams and others have by their Petition prayed for an Act of Incorporation to construct a railway or tramway to run from the western limit of the City of Toronto, at the western terminus of Queen-Street, and also at the point where Dundas-Street intersects with the west city side line of Toronto, along such course and courses as the directors for the time being may select either along the common highway or through lands westwardly to a point at or near the Mimico Village or river, and to such other points as the said directors may elect, not within the City of Toronto, and it is expedient to grant the prayer of the said petition:

Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said P. G. Close, R. N. Gooch, John Beaty, Thomas McLean, James E. Smith, Joseph T. Rolph, S. S. McDonell, V. B. Wadsworth, Goldwin Smith, E. O. Bickford, Alexander Macdonell, C. C. Foster, Angus Duncan Macdonell, Dr. S. P. May, W. S. Finch, George Faulkner, Robert Beaty, Joseph Norwich, Dr. W. C. Gwynne, W. G. McWilliams, together with such other persons and corporations as shall in pursuance of this Act become shareholders of the said Company hereby incorporated, are hereby constituted and declared to be a body corporate by the name of "The Toronto, High Park and Mimico Tramway Company."

Incorporation.

Corporate  
name.

2. The several clauses of "the Railway Act, 1868," with respect to "Interpretation," "Incorporation," "Powers," "Plans and

Certain clauses  
of Railway  
Act to apply.



and Surveys," "Lands and their valuation," "Highways and bridges," "Fences," "General Meetings," "President and Directors their election and duties," "Calls," "Dividends," "Shares and their transfer," "Shareholders," "Actions for indemnity and fines and penalties and their prosecution," shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said Company and to the railway or tramway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

**Capital stock.** 3. The capital of the company shall be fifty thousand dollars, in shares of twenty-five dollars each, but the capital stock may be increased by the shareholders as hereinafter provided.

**Provisional directors.** 4. The above named P. G. Close, R. N. Gooch, Robert Beaty, W. G. McWilliams, Dr. S. P. May, C. C. Foster and Thomas McLean shall be provisional directors of said company, to obtain subscriptions for stock and organize said company; and shall hold office until the election of directors as hereinafter provided for.

**Meeting for election of directors.** 5. So soon as twenty-five thousand dollars of the capital stock have been subscribed and ten per centum thereon paid up, the shareholders shall proceed to the election of a board of directors for the said company, and the provisional directors or a majority of them shall call a meeting of the shareholders for that purpose, first giving two weeks notice thereof in two newspapers, published in the City of Toronto. The board of directors shall consist of not less than three nor more than seven directors, and each director shall be a shareholder of not less than one thousand dollars, and a majority of the directors to constitute a quorum; such election and every question to be decided at such meeting shall be by ballot, by a majority of votes of the stockholders present in person, or represented by proxy; each share to have one vote and the elections of directors shall take place annually either on the anniversary of the day of the first election of directors, or on such other day as may be fixed by by-law; and all acts of directors until their successors are elected, shall be valid and binding upon the company.

**When ten per cent. paid up, operations may be commenced.** 6. So soon as stock to the amount aforesaid shall have been subscribed, and ten per centum paid up, and the said board shall have been elected in manner aforesaid, the company may commence operations and exercise the powers hereby granted; but the company shall within five years from the passing of this Act, complete the main lines of their said railways or tramways, otherwise this Act and the powers and privileges hereby conferred shall be forfeited and become void, except as to such portions

**Line to complete.**



portions of the said railways or tramways as shall have been completed.

7. The company are hereby authorized and empowered to construct, complete, maintain and operate, and from time to time remove and change double or single iron or wooden railways or tramways with the necessary stations, side tracks, switches and turnouts for the passage of cars, carriages, and other vehicles adapted to the same, upon and along and across streets and highways, and railway tracks or lines, within the jurisdiction of the Corporation of the County of York, and of any of the subordinate or adjoining municipalities, except the City of Toronto, under and subject to any agreement or agreements hereafter to be made between the Council of the said County and municipalities respectively, other than Toronto or any railway company or any of them, which agreement or agreements the said company and municipalities shall have power to make; and to take, transport, and carry passengers and freight upon the same by the force or power of animals, steam, or such other motive power as the directors may adopt or apply; and to use and to construct and maintain all necessary works, buildings, appliances and conveniences for the purposes aforesaid: Provided always, that the gauge of the railway, railways or tramways shall be uniform with that of the Toronto Street Railway. Power to operate tramway.

8. The directors shall have full power to make all by-laws for the management of the company, the acquirement, management, and disposition of its stock, property, and effects and of its affairs and business; the making and collection of calls on its stock and forfeiture thereof for non-payment; the entering into arrangements and contracts with the said County or Municipalities, other than the Corporation of the City of Toronto; the declaration and payment of dividends out of the profits of said company; the form and issuing of stock certificate and the transfer of shares; the calling of special and general meetings of the company; the appointment, removal, and remuneration of all officers, clerks, workmen and servants of the company; the fares to be received from passengers and for freight transported over the railways or tramways or any part thereof; the intervals of time in running each car; the time within which on each day the cars shall be run; the speed of running the same, and in general to do all things that may be necessary to carry out the objects and the exercise of any powers incident to the company: Provided always, that the fares for passengers shall not exceed for each passenger ten cents for each single trip: Provided also, that the said company may charge at any increased rate not exceeding double the said rate of fare between the hours of nine o'clock in the afternoon and seven o'clock in the forenoon. Power of directors.

Rate of fares.

Stock to be  
personalty.

9. The stock of the company shall be deemed personal estate and shall be transferable in such way as the directors shall by by-law direct.

Power to hold  
real estate,

10. The company may purchase, lease, hold or acquire and mortgage, let or convey, any real or personal estate necessary for the line of the railways or tramways, or for carrying on the operations or business of the company or for houses for their horses or cattle, or shops for the construction of cars or carriages or other vehicles or material used in and about railways or tramways.

and purchase  
gravel pits,  
quarries, &c.

11. It shall be lawful for the said company upon concurrence therein of the shareholders representing a majority of the stock, to purchase, lease or otherwise acquire any quarries of stone or beds of gravel, or other substances for street improvements or building purposes, or brick kilns or lands for making brick not within the limits of the Corporation of the City of Toronto, and to work, manage and sell and convey the same or the produce thereof upon to and from the said tramway, as the directors may determine, from time to time for the benefit of the company with full power to run branches of the said railway or tramway into or near the same, under and by virtue of the provisions of this Act, in the same manner and with the same powers as herein are applied to the main line, such concurrence to be expressed by resolution in writing at any meeting called for the purpose.

Form of con-  
veyances.

12. Conveyances of lands to the said company for the purposes of and powers given by this Act made in the form set out in the Schedule "A" hereunder written or similar ones shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest, and sufficient bar of dower respectively of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for the registration of the same, including all entries and certificates thereof, and certificate endorsed on the duplicate thereof.

Registry.

Company may  
borrow money.

13. The Directors of the company may from time to time increase the capital of the said company for such amount or amounts as occasion may require, and also raise or borrow for the purposes of the company, any sum or sums of money not exceeding in the whole at any time the actual amount of capital stock, bona fide subscribed, and paid up by the issuer of bonds or debentures under the corporate seal of the company, in sums of not less than one hundred dollars, on such terms and credit and with such rate of interest as they may think proper; and may pledge or mortgage all the property, fares, tolls, and income of the company or any part thereof, for the repayment of

of the moneys so raised or borrowed and the interest thereon :  
 Provided always, that the consent of two-thirds in value of the stockholders of the company present, or represented by proxy at a meeting to be called and held for either or both of the purposes aforesaid, shall have been first obtained. Proviso.

**14.** The council or corporation of the said county and of the subordinate or adjoining municipalities or any of them, except as aforesaid, and all railway companies whose tracks may be crossed by or lie adjacent to any track to be laid by the said company, and the said company are respectively hereby authorized to make all necessary agreements or covenants and conditions relating to the location, construction, and working of the said railways or tramways. Powers as to agreement as to location, construction, &c., of tramway.

**15.** The said councils, companies and municipalities, are hereby authorized to pass any by-law or by-laws and to amend, repeal or enact the same for the purpose of carrying into effect any such agreements or covenants. By-laws as to agreements.

**16.** The company may substitute sleighs for railway carriages during the winter months to run upon or adjacent to the route of their railway or tramway. Sleighs may be used in winter.

**17.** The fare shall be due and payable by every passenger upon entering the car or sleigh ; and any person refusing to pay when requested to do so by the conductor or driver, and refusing to quit the car or sleigh, shall be liable to a fine of not more than ten dollars, recoverable before any justice of the peace with costs. Refusal to pay fare.

**18.** The rails of the tramways or railways of the company shall be laid flush with the streets and highways, and shall conform to the grades of the streets or highways so as to offer the least possible impediment to the ordinary traffic of the said streets and highways ; and all other ordinary vehicles shall be permitted to use and travel in the said tracks when not occupied by the cars and other vehicles of the said company : Provided they do not interfere with or impede the running of the cars or sleighs of the company ; and in all cases any other carriage or vehicle on the track shall immediately give place to the cars, carriages, sleighs, or other conveyances of the company. Rails, how to be laid.  
Right of way.

## SCHEDULE "A."

Know all men by these presents that I, (or we) (*insert the name or names of vendor or vendors*) in consideration of  
 dollars paid to me (or us) by the Toronto and Mimico  
 Tramway Company, the receipt whereof is hereby acknowledged, do grant and convey all that certain parcel (or those  
certain

certain parcels, *as the case may be*) of land situate, (*describe the land*) the same having been selected and laid out by the said company for the purposes of the said railway, to hold with the appurtenances unto the said the Toronto and Mimico Tramway Company their successors and assigns (*here insert any other clauses, covenants or conditions required*) and I, (*or we*) the wife (*or wives*) of the said \_\_\_\_\_ hereby bar my (*or our*) dower in the said lands.

As witness my (*or our*) hand and seal (*or hands and seals*)  
this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 18 \_\_\_\_\_

Signed, sealed and delivered }  
in presence of \_\_\_\_\_ }

## CAP. LXI.

### An Act to amend the Acts relating to the Victoria Railway Company.

[Assented to 21st December, 1874.]

Preamble.

**W**HEREAS the Victoria Railway Company has by its petition represented that it requires additional powers to enable the said Company to deal with other railway companies, and to facilitate their dealing with property which may be acquired under their Acts of incorporation, and also to confirm certain by-laws granting aid to the said companies; and to empower certain municipalities to issue debentures in aid of the said Railway Company in lieu of debentures already issued:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Agreement  
with other  
railway com-  
panies.

1. It shall be lawful for the said Company to enter into any agreement with any other Railway Company for leasing the said railway or any part thereof, or the use thereof, at any time or times, or for any period to such other railway company; or for leasing or hiring from any other company, any railway or part thereof, or the use thereof; or for the leasing or hiring any locomotives, tenders or movable property; and generally to make any agreement or agreements with any such other company touching the use by one or the other, or by both companies, of the railway or movable property of either, or both or any part thereof; and any such lease or agreement shall be valid and binding, and shall be enforced by a court of law according to the terms and tenor thereof; and such other company accepting and executing such lease or agreement shall be and hereby is empowered to exercise all the rights and privileges conferred



conferred on the said the Victoria Railway Company by this Act; Provided that no such agreement shall be valid unless the same shall have been sanctioned at a general meeting of two-thirds of the shareholders, voting in person or by proxy of the Victoria Railway Company, specially convened.

2. The said Company may acquire from, give to or exchange with the Canadian Land and Emigration Company, Limited, stock, bonds or other property of any kind as they may consider to their advantage; Provided always, that the said Company shall be bound to sell any land so acquired, and not required for the purposes of the said railway, within fifteen years from the date of purchase.

Power to deal  
with Canadian  
Land and Emi-  
gration Co.

3. The said Company may expend money in improving and in settling the lands so acquired as they may consider to their advantage.

Expenditure  
of money on  
lands.

4. The said Company may have a seal for the purpose of dealing with their lands, which shall be accepted for registration and other purposes without proof.

Seal.

5. The by-law numbered 10 passed by the Corporation of the Provisional County of Haliburton, intituled "A by-law to aid and assist the Victoria Railway Company by giving fifty-five thousand dollars to the said Company by way of bonus and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the debentures and interest."

Certain by-  
laws declared  
valid.

The by-law numbered 146 passed by the Corporation of the Township of Sommerville, intituled "A by-law to aid and assist the Victoria Railway Company by giving ten thousand dollars to the said Company by way of bonus and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the debentures and interest:"

The by-law numbered 223 passed by the Corporation of the Township of Fenelon, intituled "A by-law to aid and assist the Victoria Railway Company by giving fifteen thousand dollars to the said Company by way of bonus and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the debentures and interest:"

The by-law numbered 131 passed by the Corporation of the Township of Verulam, intituled "A by-law to aid and assist the Victoria Railway Company by giving seven thousand one hundred and fifty six dollars and ninety cents to the said Company by way of bonus and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the debentures and interest;" and all debentures issued or that may hereafter be issued under either of the said by-laws are declared legal, binding and valid.

6. The said Municipal Corporations of the Townships of Fenelon and Verulam may in lieu of the debentures already issued

Townships of  
Fenelon and  
Verulam may  
issued

issue new debentures in lieu of former ones.

issued under the said by-law and on the same being given up to the said Corporation, issue new debentures bearing interest at a rate not to exceed six per centum per annum, in lieu of the debentures already issued; and such new debentures may be made payable at such time and place, and the payment of the same by sinking fund or otherwise be provided as the said Corporation respectively may by resolution enact; and the said by-laws shall be read as if the alterations and variations made by the said resolutions had been originally inserted in the said by-laws and formed part thereof; Provided that the amount for annual interest and sinking fund shall not exceed the amount now required to be annually raised under the said by-law.

## CAP. LXII.

### An Act to incorporate The Central Station and Warehousing Company, of Toronto.

[Assented to 21st December, 1874.]

Preamble.

**W**HEREAS certain persons have by their petition prayed that an Act might be passed incorporating a Company by the name of "The Central Station and Warehousing Company of Toronto;" And whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts follows:

Incorporation.

**1.** The Hon. William Cayley, Valancy England Fuller, Thomas Charles Patteson, James Saurin McMurray, and the Hon. Rupert Mearse Wells, together with all such other persons and corporations as shall become shareholders of the company hereby incorporated, shall be and are hereby made and constituted a body corporate and politic by and under the name and style of The Central Station and Warehousing Company of Toronto.

Power to erect a railway station, &c.

**2.** The said company shall have power to erect and build a railway station, to be called "The Central Station of Toronto," for the service of railways having their termini or doing business in the said City of Toronto, with all such offices, buildings, and appurtenances as are usual, convenient, or necessary thereto; and also in connection with such station may construct, erect and build, hire and lease, sheds, stores, elevators, warehouses, wharves, piers, lumber yards, slips, tramways, cranes, machinery and appurtenances, and docks for the reception and storage of goods, wares, lumber, and merchandise,

free

free of duty, or in bond or otherwise, together with such elevators, or other constructions and erections whatsoever, as may be requisite or useful for the reception, safe keeping and shipment of merchandise, produce, and other effects, and for facilitating the interchange of traffic between water craft and the said railways; and may carry on the business of Warehousmen in the said city: Provided always, that the powers hereby conferred for the acquiring and holding of lands for the purposes of this Act shall be limited to lands and lands covered with water lying between Bay and John Street and south of Esplanade street, in the City of Toronto.

Power to hold  
lands confined.

3. The said Hon. William Cayley, Valancy England Fuller, Thomas Charles Patteson, James Saurin McMurray, and Hon. Rupert Mearse Wells, with power to add to their number, shall be and are hereby constituted provisional directors of the said company, and shall hold office as such until other directors shall be elected under the provisions of this Act; and shall have power immediately after the passing of this Act; to open stock books and procure subscriptions for the undertaking; to make calls upon subscribers; to cause surveys and plans to be made and executed, and as hereinafter provided; to call a general meeting of the shareholders for the election of directors.

Provisional  
Directors, their  
powers.

4. The capital stock of the company shall be two hundred and fifty thousand dollars, divided into shares of one hundred dollars each.

Capital stock.

5. The said company is hereby impowered to take, acquire, receive and hold between the streets in the city of Toronto hereinbefore named, such real estate in fee simple or leasehold, not exceeding of land and of lands covered with water, fifteen acres, as may be necessary for the erection of the said station, buildings, wharves, docks, stores, elevators, and warehouses appurtenances and approaches thereto, as herein provided; and all such sites and locations shall be purchased of the owner or owners at a price to be mutually agreed upon, or in case of disagreement, as respects the acquisition of the said lands, the several clauses of The Railway Act, being chapter sixty-six of the consolidated Statutes of Canada, headed Lands and their Valuation in so far as may be applicable to the objects of this Act, shall be incorporated herewith, and form part of this Act, as if the same had been expressly set forth herein; Provided always, that nothing herein contained shall be taken to authorize the entry upon, or the acquirement under the said clauses of the said "The Railway Act," of any lands except lands and lands covered with water, lying between said Bay and John street, and south of said Esplanade Street, and being the property of some one or more of the persons and corporations following namely: The City of Toronto, The Royal Canadian Yacht Club, The Argonaut Boat House Company, Walter Armour and Richard Tinning, they being corporations and persons to whom special

Power to  
acquire land  
in Toronto.  
  
  
  
  
  
  
  
  
  
Provis .



special notice of the application for this Act has been given ; And provided further that the said clauses of the said " The Railway Act " shall only apply to such land or land covered with water, as may be required for railway approaches to the said station and shall not exceed in quantity one acre ; and that such compulsory powers shall be exercised within two years from the passing of this Act and not afterwards.

Company may purchase or lease lands from shareholders and others.

6. The said company may purchase or lease lands, wharves, warehouses, elevators, docks or other erections now or which may be hereafter erected for the purpose of this Act ; and such purchase or lease may be made from any of the directors or shareholders of the company at a price and on such terms and conditions as may be mutually agreed upon ; but such purchase or leasing, if from a director or shareholder, must be approved of by a majority of the shareholders of the company assembled at a meeting to be convened for that purpose.

Directors may issue paid up stock in payment of lands, warehouses, &c.

7. To such persons as shall be willing to accept the same, the directors shall have power to issue paid up stock in the said company in payment of the price of any wharves, warehouses, elevators, docks or other erections, or of real estate in fee simple or leasehold which may be required for the purposes of this Act, and whether the same be purchased from themselves or third parties ; and such paid up stock shall be free from all calls whatever, and from all claims and demands on the part of the said company or of the creditors thereof, to the same extent as if the amount of the same had been regularly called in by the said company and paid by the holder thereof in full.

Power to levy tolls, &c., for use of wharves, &c.

8. The said company shall have power to levy all rates, tolls, rents and fees for the use of the said wharves, docks, and the appurtenances thereto, in manner to be fixed and determined by a by-law of the said company, and approved by the Lieutenant-Governor in Council.

Debentures.

9. The directors of the said company after the sanction of the shareholders shall have been first obtained at any special general meeting for that purpose, shall have power to issue debentures made and signed by the president of the said company and countersigned by the secretary and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking ; and such debentures shall, subject to any prior mortgage or mortgages which may have been made upon the property of the company, be taken and considered to be the first and preferential claims and charges upon the undertaking and property of the company real and personal then existing or thereafter acquired ; and each holder of such debentures shall be considered a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the said company ; Provided the aggregate amount of such debentures shall at no

Lien thereof.

time



time exceed the amount of the paid up instalments of its share capital, and the amounts actually expended in the works of the said company and the purchase of real estate, together with all such amount the interest of which is secured or guaranteed by lease or agreement entered into with the railway and steam-boat companies respectively, or any of them doing business in the said city of Toronto; And provided also, that if at any time the interest on the said debentures remain unpaid for a period of six months, then at the next annual meeting of the company after such default, all holders of such debentures shall have the same privileges and qualifications for directors and for voting as are attached to shareholders: Provided that the debentures and the transfers thereof shall have been first registered in the same manner as is provided for the registration of shares.

Rights of  
debenture  
holders if in-  
terest unpaid.

**10.** It shall be lawful for the council of the said city, by by-law specially passed for that purpose, to exempt the said company and its property, within said city, either in whole or part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal council, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years; and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Municipal  
assessment.

**11.** The said Company and the directors, officers and shareholders thereof shall unless where otherwise provided by this Act, have, possess and be subject to the powers, rights, liabilities, privileges, duties and obligations had, possessed or imposed upon Companies incorporated under the "Ontario Joint Stock Companies Letters Patent Act 1874," the clauses of which are hereby incorporated with this Act, unless where inconsistent therewith, and for this purpose this Act shall be construed as if it were letters patent issued under the said Joint Stock Companies Act.

Joint Stock  
Companies  
Act 1874,  
incorporated  
with this Act.

**12.** The works contemplated and authorized by this Act shall be commenced within two years, and completed within four years after the passing of this Act, or else the rights and privileges conferred upon the said Company shall be forfeited.

Commence-  
ment and com-  
pletion of  
works.

**13.** The provisions of this Act are intended to be and are to be read and construed as enacted to the extent, and so far only as the said Legislative Assembly have power and jurisdiction to enact the same.

Power of Le-  
gislative As-  
sembly to pass  
this Act.

## CAP. LXIII.

## An Act to incorporate "The St. Catharines Street Railway Company."

[Assented to 21st December, 1874.]

## Preamble.

**W**HEREAS Calvin Brown, Thomas R. Merritt, James Taylor, Albert G. Brown, Sylvester Neelon, Robert Laurie, and John McCalla have by their petition prayed for an Act of incorporation under the name of "The St. Catharines Street Railway Company," for the purpose of constructing and operating a street railway in the Town of St. Catharines and adjacent municipalities of the Township of Grantham and Villages of Port Dalhousie, Merritton, and Thorold; And whereas, it is expedient to grant the prayer of the petitioners:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## Incorporation.

**1.** The said Calvin Brown, Thomas R. Merritt, James Taylor, Albert G. Brown, Sylvester Neelon, Robert Laurie, and John McCalla, and such other persons as shall hereafter become shareholders of the said company are hereby constituted a body corporate and politic, under the name of "The St. Catharines Street Railway Company."

## Corporate name.

## Capital.

**2** The capital of the company shall be twenty-five thousand dollars, in shares of one hundred dollars each, but the capital stock may be increased by the shareholders as hereinafter provided.

## Provisional Directors.

**3.** Calvin Brown, Thomas R. Merritt, James Taylor, Albert G. Brown, Sylvester Neelon, Robert Laurie, and John McCalla shall be the provisional directors of said company, to obtain subscriptions for stock, and organize said company, and shall hold office until the election of directors as hereafter provided for.

## Election of Directors.

**4.** So soon as ten thousand dollars of the capital stock has been subscribed, and twenty per centum thereon paid up the shareholders shall proceed to the election of a board of directors for the said Company, and the provisional directors, or a majority of them shall call a meeting of the shareholders for that purpose, first giving two weeks' notice thereof by advertisement in some newspaper published in the Town of St Catharines.

## Directors' qualification.

**5.** The board of directors shall consist of seven directors, as shall be determined at the meeting to be as provided for in the preceding section, each of whom shall be a shareholder of not less than one thousand dollars; such election and every question to

to be decided at such meeting shall be by ballot, by a plurality of votes of the stockholders present in person, or represented by written proxy, each share to have one vote; the electors so chosen shall immediately elect one of their own number to be president, and another to be vice-president, which president, vice-president and directors shall continue in office for one year, and until others shall be chosen to fill their places; and if any vacancy shall at any time happen by death, resignation or otherwise during said year in the office of president, vice-president or director, the remainder of such directors shall supply such vacancy for the remainder of the year; and the election of directors shall take place annually, either on the anniversary of the day of the first election of directors or such other days as may be fixed by by-law as hereinafter mentioned.

President,  
Vice-President.

Vacancies.

6. So soon as stock to the amount aforesaid shall have been subscribed and twenty per centum thereof paid up, and the said board shall have been elected in manner aforesaid, the company may commence operations, and exercise the powers hereby granted; but the company shall commence operations within two years from the passing of this Act.

Commence  
ment of  
operations.

7. The company are hereby authorized and empowered to construct, maintain, complete and operate a double or single iron railway, with the necessary side tracks and turnouts, for the passage of cars, carriages and other vehicles adapted to the same, upon and along streets and highways within the jurisdiction of the corporation of the Town of St. Catharines, and of any of the said municipalities as the company may be authorized to pass along, under and subject to any agreement hereafter to be made between the council of the said town and of said municipalities respectively and the said company, and under and subject to any by-laws of the said corporation of the said town and municipalities respectively, or any of them made in pursuance thereof; and to take, transport and carry passengers and freight upon the same, by the force or power of animals or such other motive power as they may be authorized by the council of said town and municipalities respectively by by-law to use; and to construct and maintain all necessary works, buildings, appliances and conveniences connected therewith.

Powers as to  
construction of  
railway,

and user  
thereof.

8. The directors shall have full power to make all by-laws for the management of the company; the acquirement, management and disposition of its stock, property and effects, and of its affairs and business; the making and collection of calls on its stocks, and forfeiture thereof for non-payment; the entering into arrangements and contracts with the said town or municipalities; the declaration and payment of dividends out of the profits of the said company; the form and issuing of stock certificates, and the transfer of shares; the calling of special and general meetings of the company; the appointment, removal and remuneration of all officers, agents, clerks, workmen and servants

Powers of  
Directors.

servants of the company ; the fares to be received from persons transported over the railway or any part thereof; and in general to do all things that may be necessary to carry out the objects and the exercise of any powers incident to the company: Provided always, that the fares to be taken by the company shall not exceed for each passenger six cents for any distance for three miles and under, and one cent per mile in addition for all distances over three miles up to eight o'clock in the evening, but after that hour the fares can be increased to ten cents for any distance up to three miles and two cents for each additional mile.

Stock to be  
personalty.

9. The stock of the company shall be deemed personal estate, and shall be transferable in such way as the directors shall by by-law direct.

Compan. may  
hold real and  
personal estate.

10. The company may purchase, lease, hold or acquire and transfer any real or personal estate necessary for carrying on the operations of the company.

Failure of  
election not to  
dissolve the  
company.

11. If the election of directors be not made on the day appointed by this Act the company shall not, for that reason, be dissolved, but the stockholders may hold the election on any other day, in the manner provided for by any by-law passed for that purpose; and all acts of directors until their successors are elected shall be valid and binding upon the company.

Company may  
use sleighs.

12. The company may substitute sleighs for railway carriages during the winter months upon the route of their railway.

Penalty for  
refusing to pay  
fare.

13. The fare shall be due and payable by every passenger on entering the car or sleigh, and any person refusing to pay the fare when demanded by the conductor or driver and refusing to quit the car or sleigh, shall be liable to a fine not less than five dollars, recoverable before any justice of the peace.

Company may  
borrow.

14. The directors of the company may from time to time increase the capital of the said company for such amount or amounts as occasion may require; and also raise or borrow for the purposes of the company, any sum or sums not exceeding in the whole at any time the actual amount of capital stock *bona fide* subscribed and paid up by the issue of bonds or debentures, in sums of not less than one hundred dollars, and on such terms and credit as they may think proper; and may pledge or mortgage all the property, tolls and income of the company, or any part thereof, for the repayment of the moneys so raised or borrowed and the interest thereon; and such bonds when issued shall be a first charge upon the said railway: Provided always, that the consent of three-fourths in value of the stockholders of the company present, or represented by proxy at said meeting, shall be first had and obtained at a special

meeting

Proviso.



meeting to be called and held for either or both of the purposes aforesaid.

**15.** The council of the said town and of any of the said municipalities, or any of them, and the said company, are respectively hereby authorized to make and to enter into any agreement or covenants relating to the construction of the said railway, for the paving, macadamizing, repairing and grading of the streets or highways, and the construction, opening of, and repairing of drains or sewers, and the laying of gas and water pipes in the said streets and highways; the location of the railway, and the particular streets along which the same shall be laid; the pattern of rail; the time and speed of running of the cars; the time within which the works are to be commenced; the manner of proceeding with the same, and the time for completion; and generally for the safety and convenience of passengers, the conduct of the agents and servants of the company, and the non-obstructing or impeding of the ordinary traffic.

Town and adjacent municipalities may make agreements regarding construction of railway, &c.

**16.** The said town and the said municipalities are hereby authorized to pass any by-law or by-laws, and to amend, repeal or enact the same for the purpose of carrying into effect any such agreements or covenants, and containing all such necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, including the company, and for the enjoining obedience thereto; and also for the facilitating the running of the company's cars, and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said railway may pass.

Town and municipalities may pass by-laws for giving effect to any such agreement.

**17.** The several clauses of the Act of the Legislature of the late Province of Canada, known as "The Railway Act" with respect to the first and third clauses thereof, and also the several clauses of the said Act with respect to "interpretation," "incorporation," "powers," "lands and their valuation," "general meetings," "calls," "shares and their transfer," "shareholders," "actions for indemnity, and fines and penalties and their prosecution," except section eighty-four of the said Act (but no other clauses of the Railway Act) shall, in so far only as the same are not inconsistent with or repugnant to any of the provisions of this Act when used herein, and subject to the special provisions of this Act, be held and understood to include the clauses incorporated with this Act, save and except in so far as they are inconsistent with or varied by any of the provisions of this Act.

Certain clauses of the Railway Act to apply.

## CAP. LXIV.

## An Act respecting the Huron and Ontario Ship Canal Company.

[Assented to 21st December, 1874.]

## Preamble.

**W**HEREAS the Huron and Ontario Ship Canal Company has petitioned for an Act, enabling all municipal corporations along the route of or interested in the canal of the said Company to aid and assist the said Company by way of grants, bonuses, loans or gifts of money, or securities for money, or by way of guarantee, or subscription of stock or otherwise, and for other corporate powers :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

## Powers to aid.

**1.** The said Company may receive from any Government, or from any person or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said canal, by way of bonus, gift, or loan of money, or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

## Aid by Municipalities.

**2.** Any municipal corporation in the Province of Ontario, or any portion of a municipality, may aid the said Company by giving money or debentures by way of bonus, gift or loan, or by the guarantee of the municipal corporation : Provided always, that no such aid shall be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality, or portion of a municipality (as the case may be), as provided in the Municipal Act for the creation of debts.

## Manner of submitting by law in aid.

**3.** Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely :

**1.** The proper petition shall first be presented to the council, expressing the desire to aid the canal, and stating in what way and for what amount ; and the council shall, within six weeks after the receipt of such petition, by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters ;

**2.** In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy reeves, or of twenty resident freeholders in each of the minor municipalities of the county, who are qualified voters under the Municipal Act ;

**3.** In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of twenty resident freeholders, being duly qualified voters as aforesaid ;

4. In the case of two or more minor municipalities, or sections of two or more such municipalities, or of two or more such municipalities with a section or sections of one or more minor municipalities forming part of a county municipality, the petition is to be presented to the county council, describing the portions to be grouped, and defining any section by metes and bounds, and shall be that of a majority of each of the councils of such minor municipalities respectively, or of twenty resident freeholders in each of the said minor municipalities or sections proposed to be grouped, being duly qualified voters as aforesaid.

Grouping of municipalities.

4. In case of aid from a county municipality, or from a grouped portion thereof, twenty resident freeholders of the county or portion comprised in the proposed by-law (as the case may be) may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein; and upon deposit by the said petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the judge of the county court, one being the registrar of the county, or of the riding in which the county town is situate, and one being an engineer, appointed by the Commissioner of the Department of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final; and the by-law, so confirmed or amended, shall thereupon, at the option of the Canal Company, be submitted by the council to the duly qualified voters; and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same, but if amended, then by the Canal Company or the county, as the arbitrators may order.

Petitioning against submitting the by-law.

5. In the case of a portion of the county municipality being formed into a group, the by-law to be submitted shall be that of the county, but the rate to be levied for payment of the debentures issued thereunder, and the interest thereon, shall be assessed and levied upon such portions only of the county municipality; and the voting thereon shall be limited to the duly qualified voters on such portions only.

Assessment, voting and rate in case of grouping of part of a county.

6. Before any such by-law is submitted, the Canal Company shall deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Expenses of submitting by-law.

7. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village situate in the county municipality.

Interpretation of the words "minor municipality."



By-law not to increase municipal rate above three cents in the dollar.

8. No by-law shall be valid, or shall be submitted to such vote for granting aid to the Canal Company which shall require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property in each of the minor municipalities or sections affected thereby; but for the purchase of such aid, the amount of the aggregate annual rate to be levied in any such municipality or section may exceed the two cents in the dollar limited by the Municipal Act.

Provisions of the by-law.

9. Such by-law shall in each instance provide:

1. For raising the amount petitioned for in the municipality or portions of the county municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality, respectively; and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law;

2. For assessing and levying upon all ratable property lying within the municipality or portions of the county municipality defined in said by-law (as the case may be), an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, or by equal annual instalments of principal and interest, which debentures the respective municipal councils, warden, reeves and other officers thereof are hereby authorized to execute and issue in such cases respectively: Provided, that in case the sum raised under the authority of such by-law is invested in the capital stock or bonds of the Canal Company, or loaned thereon, the council of the municipality holding such stock or bonds may sell and dispose of the same or any part thereof, and shall in such case apply the moneys received therefor in payment of the said debentures and interest.

If by-law not approved, no similar by-law to be submitted within six months.

10. In case the by-law submitted is not approved of, no other by-law which is in substance the same, shall be submitted to the voters of the same municipality or portions of the county municipality, until after the expiration of six months from such rejection.

If by-law approved, Municipal Council to pass the same,

11. In case the by-law submitted be approved of or carried by a majority of the votes given thereon, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time, and pass the same.

and issue debentures.

12. Within one month after the passing of such by-law, the said council, and the warden, reeve, or other officers thereof, shall issue or dispose of the debentures necessary to raise the sum mentioned in such by-law, and otherwise act according to the terms thereof.



**13.** The corporation of any county municipality shall be at liberty to take the debentures issued by any township in aid of the Canal Company, and give in exchange therefor to the said township a like amount of the debentures of the said county, on a resolution to that effect being passed by the county council, but the township municipality shall in such case keep the county municipality fully indemnified against any rate or liability in respect of such debentures.

Townships debentures may be exchanged for county debentures

**14.** Whenever any municipality or portion of a county municipality shall grant aid by way of bonus or gift to the Canal Company, the debentures therefor shall, within six months after passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said Company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be resident of the Province of Ontario: Provided, that if the said council shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, the Company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, with the consent of the said Company; and in case any trustee die, or resign his trust, or go to live out of Ontario, or otherwise become incapable to act, his trusteeship shall become vacant, and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of said Company.

Debentures to be handed to Trustees.

Nomination of trustees.

**15.** The said trustees shall receive the said debentures or bonds in trust: Firstly, under the direction of the Company, to convert the same into money; secondly, to deposit the amount realized from the sale in some of the chartered banks having an office in this Province, in the name of "The Huron and Ontario Ship Canal Municipal Trust Account," and to pay the same out to the said company from time to time, on the certificate of the chief engineer of the said Canal, in the form set out in Schedule A hereto, or to the like effect, setting out the portion of the Canal to which the money to be paid is to be applied, and that the sum so certified for, is in pursuance of the terms and conditions of the by-law; and such certificate is to be attached to the cheques to be drawn by the said trustees; and such engineer shall not wrongfully grant any such certificate under penalty of one hundred dollars recoverable in any county court by any person who may sue therefor.

Trusts upon which the debentures are to be held.

**16.** The trustees shall be entitled to their reasonable fees and charges from such trust fund, and the act of any two of such trustees to be valid and binding as if the three had agreed.

Trustees' fees

Municipal Directors.

**17.** Any municipality which shall grant a bonus of not less than fifty thousand dollars in aid of the said Company, may stipulate that it shall be entitled to name a director in the said Company as the representative of such municipality; and such director shall be in addition to the directors elected by the shareholders, and shall not be required to be a shareholder in the Company, and shall continue in office as a director in the said Company until his successor shall be appointed by the municipality which he represents.

Municipality may grant lands to Company

**18.** Any municipality through which the said Canal may pass is empowered to grant by way of gift to the said Company any lands belonging to such municipality which may be required for right of way or other purposes connected with the business of the said canal, and the said Canal Company shall have power to accept gifts of land from any government or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said Company.

Company may accept gifts of lands.

Exempt property from taxation.

**19.** It shall further be lawful for the council of any municipality in which any part of the Canal of the Company is situate, by by-law specially passed for that purpose, to exempt the said Company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Municipality may extend time for completion of works.

**20.** It shall and may be lawful for the council of any municipality that may grant a bonus to the Company, and they shall have full power to extend the time for completion of the works on the completion of which the said Company would be entitled to such bonuses.

Expenses of submitting by-laws may be borne by the municipalities.

**21.** It shall be lawful for the council of any township or county municipality in the Province of Ontario, and without complying with the requirements of any Act providing for the creation of debts by municipal corporations on behalf of such township or county municipalities, to bear all or part of the costs, charges and expenses of and incidental to the submission of any by-law to the said qualified voters for granting a bonus to the said Company, or may give the said Company a bonus on account of such costs, charges and expenses: Provided always, that no one such bonus shall exceed five thousand dollars.

Agreements as to expenditure of municipal bonuses.

**22.** Whenever any municipality or portion of a municipality shall aid, loan, guarantee or give money or bonds by way of bonus to aid the making, equipment and completion of said Canal

Canal or any part or parts thereof, it shall be lawful for the said Company to enter into a valid agreement with any such municipality binding the said Company to expend the whole of such aid so given upon works of construction, within the limits of the municipality granting the same.

## SCHEDULE A.

### Section 15.

(Chief Engineer's Certificate.)

THE HURON AND ONTARIO SHIP CANAL COMPANY.

Engineer Department,  
A.D. 18

No.

Certificate to be attached to cheques drawn on the Huron and Ontario Ship Canal Municipal Trust Account.

I, Chief Engineer for the Huron and Ontario Ship Canal Company do hereby certify that the sum of \$  
is required to be expended in the construction of the portion of  
the canal extending from mile No. to mile No.  
, and that payment should be made to the Com-  
pany, of such amount from the Municipal Trust account, the  
same being in pursuance of the terms and conditions of the by-  
law of the municipality of of

## CAP. LXV.

An Act to amend the Laws relating to Fire Insurances.

[Assented to 21st December, 1874.]

HER Majesty, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows :

1. Where, by reason of necessity, accident or mistake, the conditions of any contract of fire insurance on property in this Province as to the proof to be given to the insurance company after the occurrence of a fire have not been strictly complied with: or where, after a statement or proof of loss has been given in good faith by or on behalf of the insured in pursuance of any proviso or condition of such contract, the company, through its agent

If due proof of loss not given through accident, &c.,  
or objection not made thereto, or made on other agent



grounds than  
non-compli-  
ance with con-  
ditions,

or, if full com-  
pliance ad-  
judged inequit-  
able,

in above cases,  
liability and  
policy not  
vacated.

agent or otherwise, objects to the loss upon other grounds than for imperfect compliance with such conditions, or does not within a reasonable time after receiving such statement or proof notify the assured in writing that such statement or proof is objected to, and what are the particulars in which the same is alleged to be defective, and so from time to time : or where, for any other reason, the court or judge before whom a question relating to such insurance is tried or inquired into, considers it inequitable that the insurance should be deemed void or forfeited by reason of imperfect compliance with such conditions : no objection to the sufficiency of such statement or proof or amended or supplemental statement or proof (as the case may be) shall, in any of such cases, be allowed as a discharge of the liability of the company on such contract of insurance wherever entered into ; but this section shall not apply where the fire has taken place before the passing of this Act.

Commission  
for determin-  
ing reasonable  
conditions in  
the policy

2. A commission is to be issued by the Lieutenant Governor addressed to three or more persons holding judicial office in this Province, for the purpose of determining what conditions of a fire insurance policy are just and reasonable conditions ; and the Commissioners may take evidence and are to hear such parties interested as they shall think necessary ; and a copy of the conditions settled, approved of and signed by the Commissioners or a majority of them shall be deposited in the office of the Provincial Secretary ; and in case after the Lieutenant Governor, by Proclamation published in the *Ontario Gazette*, assent to the said conditions, any policy is entered into or renewed containing or including any conditions other than or different from the conditions so previously approved of and deposited ; and if the said condition so not contained or included is held by the Court or Judge before whom a question relating thereto is tried to be not just and reasonable, such condition shall be null and void

Appeal from  
decision under  
this Act and  
36 V. c. 44.

3. A decision of the court or judge under this Act, or under the thirty-third section of the Act to consolidate and amend the laws having reference to Mutual Fire Insurance Companies in the Province of Ontario, shall be subject to re-view or appeal to the same extent as a decision by such court or judge in other cases.

36 V., c. 44, s.  
72, amended.

4. The seventy-second section of the said Act relating to Mutual Fire Insurance Companies, is hereby amended as respects the contents of the sworn statement thereby required, as follows :—

(a). By adding to sub-division five of the first division of said section the words, “and what portion of the said amount the deponents consider good ;”

(b). By adding to the sixth sub-division of the same first division the following words : “on the thirty-first day of December preceding, and not then assessed for ;”

(c).



(c). By adding to the first sub-division of the third division the words, "in respect (1st) of assessments payable in that year, and (2nd) assessments payable in previous years ;"

(d). By adding to sub-division four of the third division the words, "and also the amount of cash premiums received for insurances effected in that year ;"

(e). By introducing between sub-divisions four and five of the fourth division, the item following, namely: "4a. The commission paid to agents or others on premium notes or undertakings received during the year by the company."

## CAP. LXVI.

### An Act to Incorporate the Alliance Insurance Company.

[Assented to 21st December, 1874.]

**W**HEREAS the Honourable John Hillyard Cameron, W. J. Macdonell, Arthur Harvey, and others, of the City of Toronto, Esquires, have petitioned the Legislature of the Province of Ontario that a Company be incorporated under the name of "The Alliance Insurance Company," for the purpose of carrying on the business of fire and marine assurance and insuring property against damage or injury from explosion, or any other cause of injury, damage, or loss, and reinsuring property, real or personal, insured by any other persons or company ; and it is expedient to grant their prayer: Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

**1.** The persons hereinbefore mentioned, after having complied with the requirements of this Act as to subscription of stock, and such persons as now are or hereafter shall become shareholders of the said Company, shall be and are hereby created, constituted and declared to be a body corporate and politic by the name of "The Alliance Insurance Company," and by that name shall have perpetual succession and a common seal, with power to alter and change the same at pleasure, and may sue and be sued contract and be contracted with, in the corporate name and for all or any of the objects aforesaid. Incorporation

**2.** The stock of the Company shall be one hundred thousand dollars divided into one thousand shares of one hundred dollars each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act: Provided, that the Board of Directors may increase the amount Stock.

amount of the capital stock at any time, or from time to time to an amount not exceeding on the whole five hundred thousand dollars, but no subscriptions to stock shall be legal or valid until ten per centum shall have been actually and *bona fide* paid thereon into one or more of the chartered banks of this Province, to be designated by the Directors, and not to be withdrawn therefrom except for the purposes of the Company.

Liability of  
Stockholders.

**3.** None of the persons or bodies corporate who may subscribe for stock, shall be liable for any further sum than the unpaid amount upon the stock subscribed for by them.

Provisional  
Board.

**4.** Until the first annual election, hereafter provided for, the Provisional Board of Directors shall consist of the Honourable John Hillyard Cameron, Lewis Moffat, Arthur R. McMaster, W. J. Macdonell, Angus Morrison, George Duggan, William H. Brouse, Charles James Campbell, Archibald Cameron, and Alexander T. Fulton.

Stock books.

**5.** The Provisional Board of Directors shall have power to open stock-books at such places as they may direct, and to keep the same open so long as they deem it necessary; and the number of Directors shall continue to be ten until at a general meeting of the shareholders their number be increased or decreased, but their number shall not be more than fifteen nor less than five.

Number of  
Directors.

Election of  
Directors.

**6.** When fifty thousand dollars of the capital stock is subscribed, and five thousand dollars paid in, the Provisional Directors shall, by advertisement in one paper published in the City of Toronto, and in the *Ontario Gazette* call a meeting of the shareholders to elect a Board of Directors to manage the affairs of the said Company under this Act.

Powers of  
Directors.

**7.** The Board of Directors shall have power to make calls for such sums or amounts, and at such times, upon the shares of the respective shareholders, as they may deem requisite for the purposes and interests of the Company, and to sue for and enforce the payment of the same, and may declare all shares forfeited on which such calls have not been duly paid, and may re-issue any such forfeited stock, and may allot the same or any part thereof to any person or corporation, or sell the same or any part thereof; they shall also have power to fill vacancies in the Board from time to time as they occur; to appoint officers and agents, and to fix the remuneration and term of office, and approve of their duties, obligations, and securities, and to remove or dismiss all officers; and generally to transact all necessary matters and things connected with the business of the Company; but no contract shall be valid unless made under the seal of the Company, and signed by the President or Vice-President, or one of the Directors and countersigned by the Manager, except the "interim receipt of the Company," which shall

shall be binding upon the Company on such conditions as may be thereon printed by direction of the Board : at all meetings of the Directors three members of the Board shall be a quorum, and all questions before them shall be decided by a majority of votes, and in case of an equality of votes the President, Vice-President, or presiding Director shall give the casting vote in addition to his vote as a Director : the Directors may also appoint honorary Directors, or local Directors in any city or town in which the Company transacts business, with such duties, powers, and remuneration as they may deem proper for the supervision of the business of the Company in such places ; but no person shall be qualified to be elected a Director unless he holds ten shares, nor as local Director unless he holds five shares in the stock of the Company, whereon the calls made shall have been paid.

Meetings of  
Directors.

Local Direct-  
ors.

8. The Board shall, subject to the provisions of any general Act relating to policies of insurance on their conditions, fix the rates at and rules and conditions under which the Company's policies shall be issued, transferred or re-purchased, and shall have charge of the investment of the funds of the Company : Provided, that no policies shall be issued until twenty thousand dollars of the capital stock are actually paid in : The Company may hold such real estate, not exceeding the annual value of ten thousand dollars as is required for offices, and such other estate as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts or judgments recovered : Provided, that all such last mentioned real estate shall be sold within ten years from the time of its becoming the absolute property of the Company.

Policies.

Real Estate.

9. The Company shall have power to borrow money on the security of its debentures to an amount not exceeding the paid-up amount of its capital stock.

Borrowing  
powers.

10. The shares of the Company shall be transferable by the parties holding the same, according to the by-laws or rules of the Company, but no share shall be transferred until all calls thereon are paid ; and the transmission of interest in any share of the stock of the Company in consequence of the marriage, insolvency, or death of the shareholder, or by any other means than the ordinary transfer, shall be proved and regulated in such form as the Board may from time to time direct ; and in any action for the recovery of calls, or arrears of calls, it shall be sufficient for the Company to allege and prove that the defendant being an owner of shares therein according to the books of the Company, is indebted to the Company in respect of so many shares in the sums due, and at the trial it shall only be necessary to prove that the defendant was owner of shares and that the call was made according to the by-laws or rules of the Company.

Transfer of  
Shares.

Actions for  
calls.

## Head Office.

**11.** The head office of the Company shall be in the City of Toronto, or elsewhere in the Province of Ontario, as may be determined by the shareholders.

## Annual Meetings.

**12.** Until otherwise determined by the Board, the books shall be annually balanced, as at the thirty-first day of December; once in each year and within three months from the first day of January a general meeting of shareholders shall be called by the Board, at which a full statement of the Company's affairs shall be submitted; and ten days' notice of such meeting shall be given by advertisement in one newspaper in the place where the head office is, and also by two insertions in the *Ontario Gazette*.

## Votes of Shareholders.

**13.** At such general meeting, shareholders shall have one vote for each share on which all calls are paid, and votes may be cast in person or by proxy, but no proxy can vote unless he be a qualified shareholder; the shareholders shall at such meeting appoint directors by ballot, unless the election is unanimous, but all other proceedings shall be determined by open vote, but the Company shall not be dissolved by failure to elect directors as above; corporations holding stock in the Company may be represented at such meetings by their chief executive officers (one for every ten shares held), and such officers may be appointed directors although they themselves hold no stock in the Company; and the shareholders shall decide the remuneration to be paid to the Directors and the President and Vice-President.

## Special Meetings.

**14.** Special meetings of shareholders may be called by the Directors, or on the requisition of shareholders holding one-third of the Company's stock; and ten days' notice of such special meetings, stating the objects for which they are called, shall be sent to each shareholder by mail; lists of the shareholders shall be at all times accessible to any of them.

## Returns to the Legislature.

**15.** The Company shall annually, within fourteen days after the meeting of the Legislature of the Province of Ontario, make to the Lieutenant-Governor in Council, a return of the amount of the capital stock subscribed and paid in and of the income, expenditure and the assets and liabilities of the Company in detail.



## CAP. LXVII.

## An Act to incorporate the Canada Fire and Marine Insurance Company.

[Assented to 21st December, 1874.]

**W**HEREAS John Stuart, Richard Martin, Hugh C. Baker, Preamble.  
Alexander Harvey, James Parkes, Adam Brown, James  
Turner, F. W. Gates, Alexander Turner, Lyman Moore, D. B.  
Chisholm, M.P., C. M. Counsell, Thomas Saunders, J. J. Mason,  
Thomas Baxter, C. R. Murray, Geo. Rutherford, John East-  
wood, John W. Bickle, William Edgar, T. C. Livingston, all  
of the City of Hamilton, Esquires, and others have by their  
petition, represented that the establishment of an association  
for the insurance of Fire and Marine risks would be greatly  
beneficial, and have prayed for an act of incorporation for the  
purpose of carrying on a business of that nature under the  
name of "The Canada Fire and Marine Insurance Company,"  
and it is expedient to grant their prayer:

Therefore, Her Majesty by and with the advice and consent  
of the Legislative Assembly of the Province of Ontario, enacts  
as follows:—

**1.** All such persons as shall become shareholders of the said Incorporation.  
Company shall be and are hereby ordained, constituted and  
declared to be a body corporate and politic in law, in fact, and  
in name, by the style and title of "The Canada Fire and Marine Corporate  
Insurance Company," for the purpose of carrying on the business name.  
of Fire and Marine Insurance and doing all things appertaining  
thereto, or connected therewith, in the Province of Ontario and  
elsewhere, and shall and may have perpetual succession, and  
shall be capable in law of contracting, and being contracted  
with, and suing and being sued, pleading and being impleaded  
in any court of law or equity within the Province of Ontario, or  
elsewhere in their corporate name aforesaid; and they and their  
successors shall and may have a common seal, and may change  
the same at their will and pleasure.

**2.** The capital stock of the said Company shall be one million Capital stock.  
dollars, divided into ten thousand shares of one hundred dol-  
lars each; with the privilege to increase the same from time to  
time, by a vote of the Directors at any ordinary or special  
meeting; which said shares shall be and are hereby vested  
in the several persons who shall subscribe for the same, their  
legal representatives and assigns, subject to the provisions of  
this Act.

**3.** For the purpose of organizing the said Company, the said Provisional  
John Stuart, D. B. Chisholm, Lyman Moore, C. R. Murray, T. Directors  
C. Livingston, shall be Provisional Directors thereof and they  
or

or a majority of them may cause stock books to be opened, after giving due public notice thereof by advertisement for two weeks in one or more of the daily papers published in the City of Hamilton; upon which stock books shall be recorded the subscriptions of such persons as shall desire to become shareholders in the said Company; and such books shall be opened in the City of Hamilton and elsewhere, at the discretion of the said Provisional Directors, and shall remain open as long as they deem it necessary; and the Provisional Directors are hereby authorized to receive from the shareholders a deposit of ten per centum on the amount of their stock subscribed by them respectively, and to pay all costs and expenses incurred in the application for and obtaining this Act.

First general  
meeting of  
shareholders.

4. When and so soon as one hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and ten per centum of the amount so subscribed paid into one or more of the chartered banks of this Province to be designated by the Provisional Directors, and not be withdrawn therefrom except for the purposes of the Company, the said Provisional Directors shall call a general meeting of the shareholders at some place to be named in the City of Hamilton, giving at least ten days' notice thereof in the *Ontario Gazette*, and also in some daily newspaper published in the said city; at which meeting the shareholders present in person or by proxy shall elect twenty-five Directors in the manner and qualified as hereinafter provided, who shall constitute a board of Directors, and hold office for one year after their election: Aliens as well as British subjects and whether resident in this Province or elsewhere, may be shareholders in the said Company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall be also eligible to hold all offices as Directors or otherwise in the said Company.

Election of  
Directors.

Calls on shares.

5. Subject as aforesaid the shares of capital stock subscribed for shall be paid in and by such instalments and at such times and places as the said Directors shall appoint; no such instalment shall exceed ten per centum, of which call thirty days' notice shall be given; Provided always, that it shall not be lawful for the said Company to commence business until a sum equal to ten per centum of the subscribed stock shall have been actually paid in by the shareholders.

Forfeiture of  
shares.

6. If any shareholder shall refuse or neglect to pay the instalments due upon any share or shares held by him, the Directors may forfeit such share or shares, together with the amount previously paid thereon, in such manner as may be provided by the by-laws; and such forfeited share or shares may be sold at a public sale by the Directors after such notice as they may direct, and the moneys arising therefrom shall be applied for the purposes of this Act: Provided always, that in case the money realized by any sale of shares be more than sufficient to pay all arrears and interest together with the expenses

expenses of such sale, the surplus of such money shall be paid on demand to the owner; and no more shares shall be sold than what will be deemed necessary to pay such arrears, interest and expenses.

7. If payment of such arrears of calls, interest and expenses be made before any share so forfeited shall have been sold, such share shall revert to the owner as if the same had been duly paid before forfeiture thereof; and in all actions or suits for the recovery of such arrears or calls it shall be sufficient for the Company to allege that the defendant, being the owner of such shares, is indebted to the said Company in such sum of money as the calls in arrear amount to for such and so many shares, whereby an action hath accrued to the Company by virtue of this Act; and on the trial it shall only be necessary to prove that the defendant was owner of the said shares in the Company, that such calls were made, and that notice was given as directed by this Act; and it shall not be necessary to prove the appointment of the Directors who made such calls, or any other matter whatsoever than what is before mentioned; a copy of any by-law, rule, regulation or minute, or of any entry in any book of the Company, certified to be a true copy or extract under the hand of the President or one of the Vice-Presidents or the Managing Director, or Secretary of the Company, and sealed with the corporate seal, shall be received in all courts and proceedings as *prima facie* evidence of such by-law, rule, regulation, minute or entry without further proof thereof, and without proof of the official character or signature of the officer signing the same or of the corporate seal.

Forfeited shares may be redeemed before sale.

Actions for calls.

Evidence.

8. No transfer of any share of the stock of the said Company shall be valid until entered in the books of the said Company according to such form as may, from time to time, be fixed by the by-laws; and until the whole of the capital stock of the said Company is paid up it shall be necessary to obtain the consent of the Directors to such transfer being made: Provided always, that no shareholder indebted to the Company shall be permitted to make a transfer or receive a dividend until such debt is paid or secured to the satisfaction of the Directors; and no transfer of stock shall at any time be made until all calls thereon have been paid in.

Transferring stock.

9. Each shareholder shall be individually liable to the creditors of the company to an amount equal to the amount unpaid on the stock held by him for the debts and liabilities thereof, but no further; and the shares shall be deemed personal estate.

Liability of shareholders.

10. The stock, property, affairs and concerns of the said Company shall be managed and conducted by twenty-five Directors, who shall hold office for one year, which Directors shall be shareholders and be elected (after the expiry of the year for which the board to be elected under the provisions of the fourth section

Directors, powers and election of.



Election of  
President and  
Vice-Presi-  
dent.

section shall hold office) at the annual general meeting of shareholders to be holden at Hamilton or elsewhere as the Directors may determine, on the anniversary of the first election of Directors, and on the same or such other day in each following year as may be appointed by by-law; not less than ten days' notice of such meeting being given, as provided in section four; the said election shall be held and made by such of the shareholders present in person or by proxy as shall have paid all calls made by the Directors and then due; and all such elections shall be by ballot; and the twenty-five persons who shall have the greatest number of votes at any such election shall be Directors, except as hereinafter directed; and if two or more persons have an equal number of votes in such a manner that a greater number of persons than twenty-five shall appear to be chosen as Directors, then the Directors who shall have the greater number of votes, or a majority of them, shall determine which of the said persons so having an equal number of votes shall be the Director or Directors, so as to complete the whole number of twenty-five; and the said Directors (as soon as may be after the said election) shall proceed in like manner to elect by ballot one of their number to be the President and two to be Vice-Presidents; and if any vacancy, should at any time, happen amongst the said Directors by death, resignation, disqualification or removal during the current year of office, such vacancy shall be filled for the remainder of the year by the remaining Directors or the majority of them electing in such place or places a shareholder or shareholders eligible for such an office: Provided always, that no person shall be eligible to be or continue as Director, unless he shall hold in his name and for his own use stock in the said Company to the amount of twenty shares, whereof at least ten per centum shall have been paid in, and shall have paid all calls made upon his stock and all liability actually matured and incurred by him with the Company.

Failure to  
elect directors.

**11.** In case it should at any time happen that an election of Directors of the said Company should not be made on any day when pursuant to this Act it should have been made, the said Company shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day to hold and make an election in such a manner as may be regulated, directed and appointed by the Directors for the time being; and the Directors in office shall so continue until a new election is made.

Votes of  
shareholders.

**12.** At all general meetings of the said Company each shareholder shall be entitled to give one vote for every share held by him for not less than fourteen days prior to the time of voting, upon which all calls then due have been paid up; such votes may be given either in person or by proxy, the holder of any such proxy being himself a shareholder; and all questions proposed for the consideration of the shareholders shall be determined by the majority of votes, the chairman presiding at such



such meeting having the casting vote in case of an equality of votes.

**13.** At the annual meeting of the shareholders the election of Directors shall be held and all business transacted without the necessity for specifying such business in the notice of such meeting: and at such meeting a general balance sheet and statement of the affairs of the Company, with a list of all the shareholders thereof, and all such further information as may be required by the by-laws, shall be laid before the shareholders: Special general meetings of shareholders may be called in such manner as may be provided for by the by-laws; and at all meetings of the shareholders the President or, in his absence, one of the Vice-Presidents, or in the absence of all of them, a Director or shareholder chosen by the shareholders shall preside, who, in case of an equality of votes, shall give the casting vote in addition to his vote as a shareholder. Annual meeting.  
Special meetings.

**14.** At all meetings of Directors three shall be a quorum for the transaction of business; and all questions before them shall be decided by a majority of votes, and in case of an equality of votes the President, Vice-President or presiding Director shall give the casting vote in addition to his vote as a Director. Quorum of directors.

**15.** The Directors of the Company at a meeting held for such specified purpose may declare such annual or semi-annual dividends upon the capital stock as they shall deem justified by its business, so that no part of the capital thereof be appropriated to such dividends; and also may, by resolution, order that the holders of policies or other instruments shall be paid such portion of the actual realized profits, in such portions, at such times and in such manner as the said Directors may think proper, and may enter into obligations so to do either by endorsement on the policies or otherwise: Provided always that the holders of policies or other instruments so participating in the profits, shall not be in anywise answerable or responsible for the debts of the said Company. Dividends.

**16.** The said Company shall have power and authority to make and effect contracts of insurance with any person or persons, body politic or corporate, against loss or damage by fire explosion, lightning, or from any other cause, on any house, store or other building whatsoever, and in like manner on any goods, chattels or personal estate whatsoever, for such time or times and for such premiums or considerations and under such modifications and restrictions, and upon such conditions as may be bargained and agreed upon or set forth by and between the Company and the person or persons agreeing with them for such insurance; and the said Company in like manner shall have power and authority to make and effect contracts of insurance with any person or persons, body politic or corporate, against loss or damage by fire, storm or tempest, or from any other cause, of or to ships, boats, Business of the company.

boats, vessels, steamboats or other craft navigating the oceans, lakes, rivers, or high seas, or other navigable waters whatsoever, from any port or ports in Canada, to any other port or ports in Canada or to any Foreign port or ports upon the oceans, lakes, rivers, or other navigable waters aforesaid, or from one Foreign port to another Foreign port, or from any Foreign port or ports, to any port or ports in Canada or elsewhere, upon all or any of the oceans, lakes, rivers and navigable waters aforesaid, and against any loss or damage of or to the cargoes or property conveyed in or upon such ships, vessels, boats or other craft, and the freight due or to grow due in respect thereof, or of or to timber or other property of any description conveyed in any manner upon any of the oceans, seas, lakes, rivers, or navigable waters aforesaid, or on any railway, or stored in any warehouse or railway station, and generally to do all matters and things relating to or connected with fire and marine insurances as aforesaid, and to make and to grant all policies therein and thereupon ; and to cause themselves to be insured against any loss or risk they may have incurred in the course of their business ; and generally to do and perform all other necessary matters and things connected with and proper to promote those objects ; and all policies or contracts of insurance issued or entered into by the said Company shall be signed by the President or one of the Vice-Presidents, and countersigned by the Managing Director or Secretary or otherwise, as may be directed by the by-laws, rules and regulations of the Company, and being so signed and countersigned, shall be deemed valid and binding upon the Company, according to the tenor and meaning thereof.

Policies.

Real estate.

17. The Company shall have power to acquire and hold real estate not exceeding an annual value of five thousand dollars, for the purpose of its business within the Province of Ontario, and to sell or dispose of the same and acquire other property in its place, as may be deemed expedient ; and to take, hold and acquire all such lands and tenements, real or immovable estate, as shall have been *bona fide* mortgaged to it by way of security or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts, or purchased for the purpose of avoiding a loss to the Company in respect thereof or of the owners thereof ; and to retain the same for a period not exceeding ten years : and the Company may invest its funds or any part thereof in the public securities of the Dominion of Canada, or of any of the Provinces thereof, or of any foreign state or states, when required for the carrying on business in such foreign state or in the stocks of any chartered banks or building societies, or in the bonds or debentures of any incorporated city, town or municipality authorized to issue bonds or debentures, or in mortgages on real estate, or in such other securities and in such manner as the Directors may elect ; and may, from time to time, vary or sell the said securities or mortgage or pledge the same from time to time as occasion may require :

Investment  
of company's  
funds.

require: The Company shall have power to borrow money on the security of its debentures to an amount not exceeding one-half of the amount of its paid up Capital Stock and ten per centum of the amount of its reserve or assets requisite for the re-insurance of the Company's outstanding risks; and the legal standard for computing such reserve or re-insurance fund shall be forty per centum of the premiums for the preceding twelve months.

Borrowing  
powers.

18. The Directors shall have full power and authority to make, and, from time to time, to alter by-laws, rules, regulations and ordinances as shall appear to them proper and needful, touching the well-ordering of the company; the management and disposition of stock, property, estate and effects; the calling of special general meetings; the regulation of the meetings of the Board of Directors; the increasing or the decreasing of the number of Directors; the increasing of the capital stock; the appointment of a Managing Director, and of local boards to facilitate the details of business, and the definition of the duties and powers of such local boards; the making of calls upon the subscribed capital; the issue and allotment of shares; the appointment and removal of officers and agents of the company, the regulation of their powers and duties, and the remuneration to be paid to them; the regulation of the transfer of stock and the form thereof; the compensation of Directors; and the establishment and regulation of agencies, the determining of rates, rules, and conditions, under which the company's policies shall be issued, transferred or re-purchased.

Powers of  
directors.

19. The chief place of business of the company shall be in the City of Hamilton, or elsewhere, as the Directors may determine: The said company shall have full power and authority to comply with the laws of any province, state or country wherein it proposes to carry on business, and to appoint therein, under the seal of the company, local managers, agents, or other officers.

Head office.

Local agency.

20. The company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive, to which any share or shares of its stock may be subject, or to which any policy or policies shall be subject; and the receipt of the person in whose name any share stands, or by whom any policy or policies appear to be held in the books, shall be a sufficient discharge to the company for any money paid in respect of such share or shares, or policy or policies, notwithstanding any trust to which they or any of them may be held subject, and whether or not the company shall have notice of such trust.

Company not  
bound to see  
to the execu-  
tion of trusts.

21. If the directors of the company declare and pay any dividend when the company is insolvent, or any dividend the payment of which renders the company insolvent, or diminishes the

Penalty for  
paying divi-  
dend when  
company is  
the insolvent.



How directors  
may avoid  
such liability,

the capital stock thereof, the directors declaring such dividend shall be jointly and severally liable as well to the company as to the individual shareholders and creditors thereof, for the amount of the dividend or dividends so paid; but if any director present when such dividend is declared, do forthwith, or if any director then absent do, within twenty-four hours after he shall have become aware thereof and able to do so, enter in the minutes of the board of directors his protest against the same, and do within eight days thereafter, publish such protest in at least one newspaper, published at or as near as may be possible to the head office of the company, such director may thereby and not otherwise, exonerate himself from such liability.

Returns to the  
Legislature.

**22.** The directors of the said company shall make and furnish to the Lieutenant-Governor and to the Legislative Assembly of the Province of Ontario during the first fifteen days of the first session in each and every year, a full and unreserved statement of the affairs of the said company, and of its funds, property and securities to be verified on oath, showing:—

1. Amount of premiums received during the year on risks effected, less twenty-five per cent., and the net amount of losses actually paid.

2. Assets of the company.

3. Liabilities of the company.

4. Amount of capital stock.

5. Amount paid thereon.

6. Of what the assets of the company consist. (State particulars.)

7. Amount of losses paid during the year.

8. Amount of losses due and unpaid.

9. Losses adjusted and not due.

10. Losses in suspense and awaiting for further proof.

11. Losses, the payment of which is resisted, and for what cause.

12. All other claims against the company.

13. Amount of premiums earned during the year.

14. Amount of premiums unearned.

15. Amount of risk on total policies in force.

Lt.-Governor  
in Council  
may appoint  
persons to ex-  
amine into the  
affairs of the  
Company.

**23.** The Lieutenant-Governor in Council, whenever he shall deem it expedient, may appoint any one or more qualified persons, not being officers of any other Fire Insurance Company, to examine into the affairs of the said company, and it shall be the duty of the officers or agents of said company to cause their books to be opened for the inspection of the person or persons so appointed, and otherwise to facilitate such examinations; and for that purpose such person or persons shall have power to examine, under oath, such officers and agents; and whenever it shall appear from such examination that the assets and financial position of said company are such as not to justify the continuance in business of the company, the Attorney-General may apply, in a summary manner, on motion to one of the superior courts



courts of law or equity, for an order requiring said company to shew cause why the business of the company should not be closed; and the court shall thereupon proceed to hear the allegations and proofs of the respective parties, and in case it shall appear to the satisfaction of the court that the assets and funds of the company are not sufficient as aforesaid, or that the interests of the public so require, the said court shall decree a dissolution of said company's affairs, and may appoint a receiver, and take possession of, collect and get in the assets and effects of the said company, and otherwise to wind up the affairs thereof.

Proceedings to close companies whose affairs are in an unsatisfactory condition.

**24.** Such receiver shall have full power, under the authority of the court appointing him, to make all such calls on the shares of the said company as may be necessary to pay its debts and claims against it, as the directors would have authority to make; and the notice of such calls may be given in the same manner as is hereinbefore provided; and the said receiver shall have the like rights and remedies upon and in consequence of the non-payment of such calls as are given to the company or the directors thereof; and such receiver may receive a surrender of any policy of said company, or cancel any policy in all cases where the directors are authorized to receive the surrender of or cancel policies.

Powers and rights of the receiver appointed by the Court.

**25.** The court by which such receiver is appointed, may also, upon his application, examine, by a reference or otherwise, as it may deem proper, into the proceedings and acts of said company, and if it shall appear upon such examination that the directors or officers of the company, or any of them, have in any manner misapplied or improperly disposed of the funds, property or effects of the company, it shall be lawful for the court to order and decree that such persons as may be found guilty of such misapplication or improper disposition, shall pay the amount thereof to such receiver, and to enforce such order or decree by the ordinary process of said court.

Examination into improper conduct of directors.

**26.** The said company shall be subject to all general laws which may be enacted by the Legislature of the Province of Ontario, in reference to companies carrying on the business of Fire and Marine Insurance.

General laws of insurance to apply to company.

## CAP. LXVIII.

## An Act to Incorporate the Industrial and Commercial Life Assurance Company of Canada.

[Assented to 21st December, 1874.]

## Preamble.

**W**HEREAS John Stuart, C. R. Murray, Lyman Moore, T. C. Livingston, and D. B. Chisholm, M.P., all of the City of Hamilton, Esquires, and others have, by their petition, represented that the establishment of an association for the insurance of lives would be greatly beneficial, and have prayed for an Act of incorporation for the purpose of carrying on a business of that nature under the name of the Industrial and Commercial Life Assurance Company of Canada; and it is expedient to grant their prayer:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## Incorporation.

**1.** All such persons as shall become shareholders of the said company shall be and are hereby ordained, constituted and declared to be a body corporate and politic in law, in fact, and in name, by the style and title of "The Industrial and Commercial Life Assurance Company of Canada," for the purpose of carrying on the business of life assurance and doing all things appertaining thereto, or connected therewith, in the Province of Ontario and elsewhere; and shall and may have perpetual succession, and shall be capable in law of contracting, and being contracted with, and suing and being sued, pleading and being impleaded in any court of law or equity within the Province of Ontario, or elsewhere, in their corporate name aforesaid; and they and their successors shall and may have a common seal, and may change the same at their will and pleasure.

## Capital stock.

**2.** The capital stock of the said company shall be one million dollars, divided into ten thousand shares of one hundred dollars each, with the privilege to increase the same from time to time by a vote of the directors at any ordinary or special meeting, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns, subject to the provisions of this Act.

## Company not to transact business without a license.

**3.** It shall not be lawful for the said Company to issue any policy of insurance, or take any risk, or receive any premium, or transact any business of insurance in Ontario, or to prosecute or maintain any suit, action or proceeding, either at law or in equity, or to file any claim in Insolvency, without first obtaining a license from the Treasurer of Ontario to carry on business in Ontario or obtaining a license from the Minister of Finance of the Dominion under the

the Act of the Parliament of Canada passed in the thirty-first year of the reign of Her Majesty, and intituled "An Act respecting Insurance Companies," in which case the provisions herein contained as to the Treasurer of Ontario, shall not apply, but the Company shall be subject to the provisions of such Act.

4. The Treasurer of Ontario shall issue such license as aforesaid, so soon as the Company applying for the same has deposited with him the sums of money or securities hereinafter mentioned and required.

Issue of  
license by  
Treasurer of  
Ontario.

5. All such deposits may be made by the company in securities of the Dominion of Canada, or in securities issued by any of the provinces in the Dominion of Canada, and the value of such securities shall be estimated at their market value at the time when they are so deposited: if any securities other than those above-named are offered as a deposit, they may be accepted, at such valuation and on such conditions as the Lieutenant-Governor in Council may direct; and if the market value of any of the securities which have been deposited by any company shall decline below that at which they were deposited, the Treasurer may call upon the company to make a further deposit, so that the market value of all the securities deposited by the company shall be equal to the amount which they are required to deposit by this Act.

Nature of  
deposits by  
Company.

6. The deposit to be made, as aforesaid, shall be a sum of not less than fifty thousand dollars, and such sum may be deposited in three equal annual instalments, the first of which shall be paid before the issue of the license.

Amount of  
deposit.

7. Except in the cases with respect to which it is otherwise provided, so long as the amount of the deposit which the Company is required to have then made is unimpaired, and no notice of any judgment or order to the contrary is served upon the Treasurer of Ontario, the interest upon the Stock or securities representing or forming part of such deposit shall be payable to the Company.

Interest on  
deposit.

8. In case of the Insolvency of the Company, the stock representing the deposit of the said Company shall be applied *pro rata* towards the payment of all claims duly authenticated against the Company, upon or in respect of policies issued in Canada; and the Company shall be deemed Insolvent upon failure to pay any undisputed claim arising or loss insured against in Canada for the space of thirty days after being due, or, if disputed, after final judgment and tender of a legal valid discharge and (in either case) after notice thereof to the Treasurer of Ontario; and the distribution of the proceeds of such stock may be made by order in Chancery; Provided, that in any case when a claim for loss is by the terms of the policy payable on proof of such loss, without any stipulated delay, the notice

Insolvency of  
Company.

notice to the said Treasurer under this section shall not be given until after the lapse of sixty days from the time when the claim becomes due.

Provisional  
directors.

9. For the purpose of organizing the said company, John Stuart, D. B. Chisholm, M P., C. R. Murray, Lyman Moore, and T. C. Livingston shall be provisional directors thereof; and they or a majority of them may cause stock books to be opened, after giving due public notice thereof by advertisement for two weeks in one or more of the daily papers published in the City of Hamilton, upon which stock books shall be recorded the subscriptions of such persons as shall desire to become shareholders in the said company; and such books shall be opened in the City of Hamilton and elsewhere, at the discretion of the said provisional directors, and shall remain open as long as they deem it necessary; and the provisional directors are hereby authorized to receive from the shareholders a deposit of five per centum on the amount of their stock subscribed by them respectively, and to pay all costs and expenses incurred in the application for and obtaining this Act.

Election of  
board of direc-  
tors.

10. When and so soon as one hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and five per centum of the amount so subscribed paid into one or more of the charter banks of this Province, to be designated by the provisional directors, and not to be withdrawn therefrom except for the purposes of the company, the said Provisional directors shall call a general meeting of shareholders at some place to be named in the City of Hamilton, giving at least ten days' notice thereof in the *Ontario Gazette*, and also in some daily newspaper published in the said city, at which meeting the shareholders present in person or by proxy shall elect twenty-five directors in the manner and qualified as hereinafter provided, who shall constitute a board of directors, and hold office for one year after their election. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company; and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall be also eligible to hold all offices as directors or otherwise in the said company.

Aliens.

Calls on stock.

11. Subject as aforesaid the shares of capital stock subscribed for shall be paid in and by such instalments and at such times and places as the said directors shall appoint; no such instalment shall exceed ten per centum, of which call thirty days' notice shall be given.

Forfeiture of  
shares.

12. If any shareholder shall refuse or neglect to pay the instalments due upon any share or shares held by him, the directors may forfeit such share or shares, together with the amount previously paid thereon, in such manner as may be provided by the by-laws; and such forfeited share or shares may be sold at



a public sale by the directors after such notice as they may direct, and the moneys arising therefrom shall be applied for the purposes of this Act: Provided always, that in case the money realized by any sale of shares be more than sufficient to pay all arrears and interest together with the expenses of such sale, the surplus of such money shall be paid on demand to the owner; and no more shares shall be sold than what will be deemed necessary to pay such arrears, interest and expenses.

**13.** If payment of such arrears of calls, interest and expenses be made before any share so forfeited shall have been sold, such share shall revert to the owner as if the same had been duly paid before forfeiture thereof; and in all actions or suits for the recovery of such arrears or calls it shall be sufficient for the company to allege that the defendant, being the owner of such shares, is indebted to the said company in such sum of money as the calls in arrear amount to for such and so many shares, whereby an action hath accrued to the company by virtue of this Act; and on the trial it shall be only necessary to prove that the defendant was owner of the said shares in the company, that such calls were made, and that notice was given as directed by this Act; and it shall not be necessary to prove the appointment of the directors who made such calls, or any other matter whatsoever other than what is before mentioned; a copy of any by-law, rule, regulation or minute, or of any entry in any book of the company, certified to be a true copy or extract under the hand of the president or one of the vice-presidents or the managing-director or secretary of the company, and sealed with the corporate seal, shall be received in all courts and proceedings as *prima facie* evidence of such by-law, rule, regulation, minute or entry without further proof thereof, and without proof of the official character or signature of the officer signing the same or of the corporate seal.

Forfeited shares may be redeemed before sale.

Actions for calls.

**14.** No transfer of any share of the stock of the said company shall be valid until entered in the books of the said company according to such form as may, from time to time, be fixed by the by-laws; and until the whole of the capital stock of the said company is paid up it shall be necessary to obtain the consent of the directors to such transfer being made: Provided always, that no shareholder indebted to the company shall be permitted to make a transfer or receive a dividend until such debt is paid or secured to the satisfaction of the directors; and no transfer of stock shall at any time be made until all calls thereon have been paid in.

Transferring stock.

**15.** Each shareholder shall be individually liable to the creditors of the company to an amount equal to the amount unpaid on the stock held by him for the debts and liabilities thereof but no further; and the shares shall be deemed personal estate.

Liability of shareholders.

Directors,  
their powers  
and election  
of.

16. The stock, property, affairs and concerns of the said company shall be managed and conducted by twenty-five directors, who shall hold office for one year; which directors shall be shareholders and be elected (after the expiry of the year for which the board to be elected under the provisions of the tenth section shall hold office) at the annual general meeting of shareholders to be holden at Hamilton or elsewhere as the directors may determine, on the anniversary of the first election of directors and on the same or such other day in each following year as may be appointed by by-law, not less than ten days notice of such meeting being given, as provided in section ten; the said election shall be held and made by such of the shareholders present in person or by proxy as shall have paid all calls made by the directors and then due; and all such elections shall be by ballot; and the twenty-five persons who shall have the greatest number of votes at any such election shall be directors, except as hereinafter directed; and if two or more persons have an equal number of votes in such a manner that a greater number of persons than twenty-five shall appear to be chosen as directors, then the directors who shall have the greater number of votes, or a majority of them, shall determine which of the said persons so having an equal number of votes shall be the director or directors, so as to complete the whole number of twenty-five; and the said directors (as soon as may be after the said election) shall proceed in like manner to elect by ballot one of their number to be president and two to be the vice-presidents; and if any vacancy should at any time happen amongst the said directors by death, resignation, disqualification or removal during the current year of office, such vacancy shall be filled for the remainder of the year by the remaining directors or the majority of them electing in such place or places a shareholder or shareholders eligible for such an office: Provided always, that no person shall be eligible to be or continue as director unless he shall hold in his name and for his own use stock in the said company to the amount of twenty shares, whereof at least ten per centum shall have been paid in, and shall have paid all calls made upon his stock and all liability actually matured and incurred by him with the company.

Election of  
President and  
Vice-President.

Failure to elect  
directors.

17. In case it should at any time happen that an election of directors of the said company should not be made on any day when pursuant to this Act it should have been made, the said company shall not for that cause be deemed to be dissolved but it shall be lawful on any other day to hold and make an election in such a manner as may be regulated, directed and appointed by the directors for the time being; and the directors in office shall so continue until a new election is made.

Votes of shareholders

18. At all general meetings of the said company each shareholder shall be entitled to give one vote for every share held by him for not less than fourteen days prior to the time of voting, upon which all calls then due have been paid up: such votes may

may be given either in person or by proxy, the holder of any such proxy being himself a shareholder; and all questions proposed for the consideration of the shareholders shall be determined by the majority of votes, the chairman presiding at such meeting having the casting vote in case of an equality of votes.

**19.** At the annual meeting of the shareholders the election of directors shall be held and all business transacted without the necessity for specifying such business in the notice of such meeting; and at such meeting, a general balance sheet and statement of the affairs of the company, with a list of all the shareholders thereof, and all such further information as may be required by the by-laws, shall be laid before the shareholders: Special general meetings of shareholders may be called in such manner as may be provided for by the by-laws; and at all meetings of the shareholders the president or, in his absence, one of the vice-presidents or, in the absence of all of them, a director or shareholder chosen by the shareholders shall preside, who, in case of an equality of votes, shall give the casting vote in addition to his vote as shareholder. Annual Meetings. Special meetings.

**20.** At all meetings of directors three shall be a quorum for the transaction of business; and all questions before them shall be decided by a majority of votes, and in case of an equality of votes, the president, vice-president or presiding director shall give the casting vote in addition to his vote as a director. Meetings of Directors.

**21.** The said company shall have power and authority to carry on the business of insurance on lives, to grant, purchase, and dispose of annuities, and to make and grant all policies therein and thereupon, and generally to do all matters and things appertaining thereto, or connected therewith, in the Province of Ontario and elsewhere, and to cause themselves to be insured against any loss or risk they may have incurred in the course of their business; and generally to do and perform all other necessary matters and things connected with and proper to promote those objects; and all policies or contracts of insurance issued or entered into by the said company shall be signed by the president or one of the vice-presidents, and countersigned by the managing-director, or secretary (or otherwise), as may be directed by the by-laws, rules and regulations of the company. and being so signed and countersigned, shall be deemed valid and binding upon the company, according to the tenor and meaning thereof. Business of the company.

**22.** Any certificate or obligation issued by the company, agreeing to purchase one of its policies for a fixed sum during a stated period, when accompanied by the policy duly assigned or transferred, shall be negotiable, and shall convey title to the policy to the party to whom it may be so assigned or transferred; and any policy taken out in favour of a wife, child, relative or other Assignment of policies.



Certain policies not available to creditors.

other person having a beneficial interest in the life of the insured, shall not be liable to seizure by the creditors of the person so insured.

Real estate.

**23.** The company shall have power to acquire and hold real estate, not exceeding an annual value of five thousand dollars for the purpose of its business within the Province of Ontario, and to sell or dispose of the same and acquire other property in its place, as may be deemed expedient; and to take, hold and acquire all such lands and tenements, real or immovable estate, as shall have been *bona fide* mortgaged to it by way of security or conveyed to it in satisfaction of debts previously contracted in the course of its dealings or purchased at sales upon judgments which shall have been obtained for such debts, or purchased for the purpose of avoiding a loss to the company in respect thereof or of the owners thereof; and to retain the same for a period not exceeding ten years; and the company may invest its funds or any part thereof in the public securities of the Dominion of Canada, or of any of the Provinces thereof, or of any foreign state or states, when required for the carrying on business in such foreign state, or in the stocks of any chartered banks or building societies, or in the bonds or debentures of any incorporated city, town or municipality authorized to issue bonds or debentures, or in mortgages on real estate, or in such other securities and in such manner as the directors may elect; and may from time to time vary or sell the said securities or mortgage or pledge the same from time to time as occasion may require: The company shall have power to borrow money on the security of its debentures to an amount not exceeding one half of the amount of its paid up Capital Stock and ten per centum of the amount of its reserve or assets requisite for the re-insurance of the company's outstanding risks; and the legal standard for computing such reserve or re-insurance fund shall be the same mortality tables used, and the same rate of interest assumed in the computation of the company's rates of premiums for insurance.

Investment of company's funds.

Borrowing powers.

Powers of directors.

**24.** The directors shall have full power and authority to make, and, from time to time, to alter by-laws, rules, regulations and ordinances as shall appear to them proper and needful, touching the well-ordering of the company; the management and disposition of stock, property, estates and effects; the calling of special general meetings; the regulation of the meetings of the board of directors; the increasing or the decreasing of the number of directors. the increasing of the capital stock; the appointment of a managing director, and of local boards to facilitate the details of business, and the definition of the duties and powers of such local boards; the making of calls upon the subscribed capital; the issue and allotment of shares; the appointment and removal of officers and agents of the company, the regulation of their powers and duties, and the remuneration to be paid to them; the regulation of the transfer of



of stock and the form thereof; the compensation of directors; and the establishment and regulation of agencies; the determining of rates, rules and conditions, under which the company's policies shall be issued, transferred or re-purchased.

**25.** The chief place of business of the company shall be in the City of Hamilton, or elsewhere, as the directors may determine: the said company shall have full power and authority to comply with the laws of any province, state or country wherein it proposes to carry on business, and to appoint therein, under the seal of the company, local managers, agents, or other officers.

Head office

**26.** The company shall not be bound to see to the execution of any trust, whether express implied or constructive, in respect of any share; and the receipt of any stockholder, his attorney or agent in whose name the same may stand in the books of the company shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipt.

Company not bound to see to the execution of any trust.

**27.** Every executor, administrator, tutor, curator, guardian or trustee, shall represent the stock in his hands at all meetings of the company, and may vote accordingly as a shareholder.

Rights of executors, etc.

**28.** The directors of the company at a meeting held for such specified purpose may declare such annual or semi-annual dividends upon the capital stock as they shall deem justified by its business: Provided always, that no part of its capital be appropriated to such dividends, and also that a reserve or re-insurance fund sufficient to re-insure the company's outstanding risks, valued by the standard hereinbefore mentioned, shall be maintained: The directors may also, by resolution, order that the holders of policies or other instruments shall be paid such proportion of the actual realized profits, in such portions, at such times and in such manner as the said Directors may think proper, and may enter into obligations so to do, either by endorsement on the policies or otherwise: Provided always, that the holders of the policies or other instruments so participating in the profits, shall not be in anywise answerable or responsible for the debts of the said company.

Dividends.

Bonuses.

**29.** If the Directors of the company declare and pay any dividend when the company is insolvent, or any dividend the payment of which renders the company insolvent, or diminishes the capital stock thereof, the directors declaring such dividend shall be jointly and severally liable as well as to the company as to the individual shareholders and creditors thereof, for the amount of the dividend or dividends so paid; but if any director present when such dividend is declared, do forthwith, or if any director then absent do, within twenty-four hours after he shall

Liability of directors for improperly declaring dividends.

have

have become aware thereof and able to do so, enter in the minutes of the board of directors his protest against the same, and do within eight days thereafter, publish such protest in at least one newspaper, published at or as near as may be possible to the head office of the company, such director may thereby and not otherwise, exonerate himself from such liability.

#### Returns.

**30.** The directors of the said company shall make and furnish to the Lieutenant-Governor and to the Legislative Assembly of the Province of Ontario during the first fifteen days of the first session in each and every year, a full and unreserved statement of the affairs of the said company, and of its funds, property and securities to be verified on oath, showing :

1. Amount of premiums received during the year on risks effected, less twenty-five per cent., and the net amount of losses actually paid ;
2. Assets of the Company ;
3. Liabilities of the company ;
4. Amount of capital stock ;
5. Amount paid thereon ;
6. Of what the assets of the company consist (state particulars) ;
7. Amount of losses paid during the year ;
8. Amount of losses due and unpaid ;
9. Losses adjusted and not due ;
10. Losses in suspense and awaiting for further proof ;
11. Losses, the payment of which is resisted, and for what cause ;
12. All other claims against the company ;
13. Amount of premiums earned during the year ;
14. Amount of premiums unearned ;
15. Amount of risk on total policies in force.

Lt.-Governor in Council may appoint persons to examine into the affairs of the company.

**31.** The Lieutenant-Governor in Council, whenever he shall deem it expedient, may appoint any one or more qualified persons, not being officers of any other Life Insurance Company, to examine into the affairs of the said company ; and it shall be the duty of the officers or agents of the said company to cause their books to be opened for the inspection of the person or persons so appointed, and otherwise to facilitate such examinations ; and for that purpose such person or persons shall have power to examine, under oath, such officers and agents ; and whenever it shall appear from such examination that the assets and financial position of such company are such as not to justify the continuance in business of the company, the Attorney-General may apply, in a summary manner, on motion to one of the superior courts of law or equity, for an order requiring the company to show cause why the business of the company should not be closed and the court shall thereupon proceed to hear the allegations and proofs of the respective parties ; and in case it shall appear to the satisfaction of the court that the assets and funds of the company are not sufficient as aforesaid, or that

Winding up and appointment of a receiver.

that the interests of the public so require, the said court shall decree a dissolution of the said company's affairs, and may appoint a receiver, and take possession of, collect and get in the assets and effects of the said company, and otherwise to wind up the affairs thereof.

**32.** Such receiver shall have full power, under the authority of the court appointing him, to make all such calls on shares as may be necessary to pay its debts and claims against it, as the directors would have authority to make; and the notice of calls may be given in the same manner as is hereinbefore provided; and the said receiver shall have the like rights and remedies upon and in consequence of the non-payment of such calls as are given to the company or the directors thereof; and such receiver may receive a surrender of any policy of said company, or cancel any policy in all cases where the directors are authorized to receive the surrender of or cancel policies.

Powers of  
receiver.

**33.** The court by which such receiver is appointed, may also, upon his application, examine by a reference or otherwise, as it may deem proper, into the proceedings and acts of said company; and if it shall appear, upon such examination, that the directors or officers of such company, or any of them, have in any manner misapplied or improperly disposed of the funds, property or effects of such company, it shall be lawful for the court to order and decree that such persons as may be found guilty of such misapplication or improper disposition, shall pay the amount thereof to such receiver, and to enforce such order or decree by the ordinary process of said court.

Examination  
into improper  
conduct of  
directors.

**34.** The said company shall be subject to all general laws which may be enacted by the Legislature of the Province of Ontario, in reference to companies carrying on the business of

General Insur.  
ance laws to  
apply to com-  
pany.

Life Insurance

## CAP. LXIX.

An Act to amend the Act to Incorporate "The Gatling Gold and Silver Mining Company."

[Assented to 21st December, 1874.]

**W**HEREAS the "Gatling Gold and Silver Mining Com-  
pany" have petitioned that their Act of Incorporation being chapter one hundred and nine of the Statutes of Ontario, passed in the session held in the thirty-sixth year of the reign of Her Majesty Queen Victoria, may be amended and explained, and it is expedient to grant the same:

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.

36 Vic., Cap.  
109, sec. 9,  
amended.

1. The ninth section of the said Act, chaptered one hundred and nine, is hereby amended by striking out and erasing therefrom the following words, that is to say: "provided, however, that the chief place of business shall be in the Town of Peterborough, in this Province," and inserting in lieu thereof the words, "provided, however, that the chief place of business shall be within this Province," and by striking out and erasing therefrom the following words, that is to say: "unless confirmed at some general meeting of the company," and inserting the words, "unless then or at some previous general meeting of the company confirmed."

16 section  
amended.

2. The consent of the shareholders, mentioned in the sixteenth section of the said Act, shall be and the same is hereby declared to mean and have meant the consent of three-fourths in number and value of the shareholders of such company as shown by the stock book thereof.

How convey-  
ances may be  
executed.

3. Any conveyance of real estate by said company shall be executed by the president and secretary of the said "The Gatling Gold and Silver Mining Company," under the common seal of the said company.

Further  
amendment  
to 15 section.

4. The words "the sanction of the shareholders" in the first and second lines of the fifteenth section of the said Act, shall be construed to mean the sanction of the majority in number and value of the shareholders present at any annual meeting or at any general meeting called from time to time for that purpose, or of three-fourths in number and value of the entire shareholders, and said section shall be so read and construed.

## CAP. LXX.

An Act to confirm, amend, and extend the Incorporation of "The Hawkeye Gold and Silver Mining Company."

[Assented to 21st December, 1874]

Preamble.

WHEREAS John Wesley Jones, William Jesse Gatling, Cyrus Ferry Luse, Wiley Crowder Burton and James Cunningham Jordan, did make a statement or declaration of incorporation, on the twenty-sixth day of August, in the year of our Lord one thousand eight hundred and seventy, before the deputy registrar of the County of Hastings, at Belleville under chapter sixty-three of the Consolidated Statutes of Canada, incorporating themselves into a body corporate, by the name of "The Hawkeye Gold and Silver Mining Company," for the purposes of mining in all its branches; And whereas, the said Com-  
pany



pany purchased and took a conveyance in fee simple of certain lands and premises in the County of Hastings, and expended large sums of money in mining thereon; And whereas, the said persons stated in their declaration of incorporation that the term of the said company's proposed existence was fifty years; And whereas, the said company is desirous of selling, granting, and conveying in fee simple the said lands or part thereof and purchasing others, and of having powers of taking and conveying lands in fee simple, or for any less estate, and of having the said incorporation confirmed amended and extended; and have petitioned for an Act for the above and other purposes; And whereas, it is expedient to grant the same:

Therefore Her Majesty, by and with the advice and consent, of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said company is hereby declared to have been duly incorporated under the above name on and from the said twenty-sixth day of August, in the year of Our Lord, one thousand eight hundred and seventy: and to have been on and from that date, and from thenceforth, capable of taking, holding and owning in fee simple all lands, premises and real estate, requisite for the carrying on of the undertaking of such company.

Declaring incorporation of "The Hawkeye Gold and Silver Mining Co.," complete on 26th Aug. 1870.

2. The existence of the said company is hereby declared to be and shall be perpetual; and the said company, by and under its said name of "The Hawkeye Gold and Silver Mining Company" shall have and possess all the powers, rights and privileges of a company incorporated under "The Ontario Joint Stock Companies Letters Patent Act, 1874," and for all purposes shall be considered and taken as having become incorporated under said Act for the carrying on the business of exploring for mining, smelting, manufacturing and selling gold, silver, copper and other ores, minerals and metals, and lithographic and other stones.

Powers of company.

3. The president of the said company may within six months after the passing of this Act call a meeting of the shareholders of the said company at such time and place in the Province of Ontario as he may direct, of which meeting notice must be given by delivering or mailing the said notice to each shareholder to his post office address as shown by the stock book of the said company at least three weeks before the time of said meeting and by publishing the same twice in the *Ontario Gazette* and twice in some newspaper published in the County of Hastings for the purpose of electing five directors for the said company, at which meeting the shareholders may vote by proxy appointed in writing under their respective hands and seals, and such meeting shall be a general meeting of the company; and the said directors so elected shall have all the powers given to directors by the said "The Ontario Joint Stock Companies Letter Patent Act. 1874."

Election of Directors.

Powers of directors.

C. S. C., cap.  
63, not to ap-  
ply.

4. The said chapter sixty-three shall not apply to the said company hereafter, except as to any acts or doings, engagements or liabilities, contracted, done or entered into before the passing of this Act.

## CAP. LXXI.

An Act to enable the Brantford Gas Company to issue preferential Stock, and for other purposes.

[Assented to 21st December, 1874.]

Preamble.

**W**HEREAS the Brantford Gas Company have by their Petition represented that the original stock book of the said company has been burned, and that the said company is liable to the corporation of the Town of Brantford in the sum of thirteen thousand dollars, or thereabouts, on mortgage, and that the said corporation is an owner of stock to the extent of eight thousand dollars in said company, and that the said corporation has entered into the agreement which forms the Schedule of this Act, and praying for an Act to confirm and legalize the said agreement, and to empower the said company to issue preferential eight per cent. stock, to the extent of twenty-three thousand dollars, for the purposes mentioned and contemplated by the said agreement, and to establish and legalize the ordinary stock list of the said company; And it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Agreement between Brantford and Company confirmed

1. The agreement made between the said corporation of the Town of Brantford of the one part, and the Brantford Gas Company of the other part, bearing date the thirtieth day of November, in the year of our Lord one thousand eight hundred and seventy four, and which said agreement is set out in Schedule "A" to this Act, is, and all Acts done in pursuance thereof, are hereby legalized and confirmed, and declared valid, and all the powers, provisions, stipulations, promises and agreements, and all and singular other the matters in the said agreement contained, shall be valid and binding, as fully and effectually, and shall in all respects have the same force and effect as though the same were and every of them was expressly embodied in this Act.

Issue of new preferential stock.

2. The said company is hereby authorized and empowered to issue new and preferential stock of the said company, to the amount of twenty-three thousand dollars, which stock shall rank in priority over the ordinary stock of the said Company, and

and shall bear eight per centum interest per annum, and shall form a first lien and charge on the income and works of the said company.

3. Eight thousand dollars of the said preferential stock shall be delivered to the treasurer of the said corporation, and shall be held and owned by the said corporation as paid up stock, and thereupon all claim of the said corporation, under the mortgage in the said agreement mentioned, and for extensions to the works of the said company, shall cease and determine, and the said mortgage shall be discharged. \$8,000 of preferential stock to be given to corporation in discharge of mortgage.

4. All dividends declared by the said company of which one month's public notice shall have been given in some weekly newspaper published at the said Town of Brantford, and which shall remain unclaimed for a period of five years from the last publication of such notice with all intermediate dividends of which the same notice shall have been given shall revert to and form part of the general funds of the said company, and the right of which any shareholder may have had to any such dividend shall be barred thereafter: Provided, nothing herein shall bar the right of a shareholder to receive all dividends declared subsequent to the establishment of his right to such shares. Unclaimed dividends to revert to Company.

5. The directors of the said company shall forthwith prepare a new stock book in which shall be entered the names of each shareholder with the number and particulars of the shares held by him so far as the same is known to them, and they shall keep the said stock book open for the inspection of all persons claiming to be shareholders of the said company. New stock book.

6. Any person claiming to be a shareholder of the said company, but whose claim is not assented to by the said directors and whose name they shall refuse to enter on the said stock book may, on notice to the said Company apply to the Judge of the County Court of the County of Brant, and on furnishing evidence to the satisfaction of said judge that such applicant is entitled to have his name so entered as the *bona fide* owner of stock, the said judge may order his name to be so entered, and upon the production of such order the name shall be entered accordingly. Disputed claims for stock.

7. The directors of the said company may on notice to any person whose name they shall believe to be erroneously or improperly entered on said stock book apply to the said Judge for an order to have the same erased and upon satisfactory proof of such name being so improperly entered, he may order the same to be erased or the entry amended as may appear to him just. Names improperly inserted in stock book.

8. Any person who shall claim to be entitled to any shares which shall be entered in the said stock book in the name of another Substitution of names where stock held in another

name of another. another may, on notice to such person apply to the said Judge for an order to have his name substituted in place of the name of such other person; and the said judge upon satisfactory proof may order the substitution accordingly.

Costs. 9. The costs in applications under this Act shall be in the discretion of the judge.

Agreement may be varied. 10. Nothing in this Act shall preclude the said corporation and the said company from altering or varying from time to time the terms of the third clause of the said agreement.

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### SCHEDULE "A."

This agreement made and entered into the thirtieth day of November, in the year of our Lord one thousand eight hundred and seventy-four, between the Corporation of the Town of Brantford hereinafter called the corporation of the first part, and the Brantford Gas Company hereinafter called the company of the second part: Whereas the said company are indebted to the said corporation in the sum of thirteen thousand dollars or thereabouts, for which sum the said corporation are secured by a mortgage on the said company's works; And whereas the said corporation also hold stock in the said company to the extent of ten thousand dollars; And whereas the said corporation have from time to time extended the works of said company by the laying of gas pipes within the limits of and at the expense of said corporation; And whereas it has been thought desirable that the works of the said company should be further enlarged and extended, and in order to carry out such object it has been agreed subject to the conditions hereinafter specified that the said company should issue new and preferential stock to the extent of twenty-three thousand dollars and no more, and that the said corporation should accept for the entire indebtedness of the said company to the said corporation on the mortgage which said corporation holds against said company and for the extension as aforesaid, the sum of eight thousand dollars of said preferential stock.

Now this agreement witnesseth that the said corporation and the said company agree with each other as follows:

1. This agreement shall be provisional and upon condition that the said company obtain an Act of the Parliament of the Province of Ontario, authorizing the issue of preferential stock as hereinbefore mentioned, such Act to be first consented to by said corporation.

2. The said corporation agree to accept preferential paid up stock in said company to the extent of eight thousand dollars in full of the mortgage debt of said company to said corporation, and of all claims and demands which the said corporation have against the said company for the laying of pipes as aforesaid: provided



provided always that preferred stock to no greater extent than the sum of fifteen thousand dollars shall be issued in addition to the said sum of eight thousand dollars.

3. The said company agree to supply the lamps now erected and hereafter to be erected for said corporation for a period of ten years at least for the sum of twenty dollars per lamp per year, and thereafter at a reasonable price or such price per lamps as may be agreed on between said company and said corporation, and in the event of said company and said corporation not agreeing as to said price the same shall from time to time thereafter be decided by arbitration, one arbitrator to be chosen by the said corporation and one by the said company, which said arbitrators shall choose an umpire and the award of said arbitrators as to said price and the length of time which the same shall continue to be charged shall be final. The burners to be used in said lamps shall be of the capacity of not less than three feet per hour, which said burners shall be renewed by said company from time to time at the expense of said corporation so often as such removal shall be necessary. The said lamps and burners shall be kept perfectly clean and be lighted within half an hour after sundown and kept lighted until one hour and a half before daybreak, provided always that said lamps shall not be lighted unless under the direction of the said corporation or such officer as the said corporation shall appoint for a period of three nights before and three nights after full moon, and such other nights or parts of nights as the moonlight is equal to gas light, to be regulated by gas calenders, and in such case the charge shall be *pro rata* with the charge aforesaid.

4. The said company may issue preferential stock to the extent of twenty-three thousand dollars, and no more, which shall bear interest at eight per cent. per annum and shall form the first lien or charge on the income and works of said company, and of which the sum of eight thousand dollars shall belong to said corporation as aforesaid, and the balance of such stock, or so much thereof as may be subscribed and called in, not exceeding said sum of fifteen thousand dollars, shall be expended in placing in thorough repair, enlarging, extending, and improving the works and plans of said company, and in no other manner.

5. The said corporation now hold ten thousand dollars stock in said company which shall not be affected by this agreement.

6. In the event of the said company not arranging with the present lessee of the works of said company, that part of this agreement relating to the price of lamps per year, and such other parts of this agreement as can be performed by said company shall be carried out at once, and such part thereof as may be dependent upon an arrangement with said lessee, shall be postponed until the expiration of the lease of said lessee from said company, and shall then come into force.

In witness whereof, the said Corporation and the said Company have hereunto affixed their corporate seals and caused

these presents to be signed by their Mayor and President respectively.

W. MATHEWS,  
*Mayor.*

J. COCKSHUTT,  
*Pres. B. Gas Co.*

JOHN SMITH,  
*Secretary Brantford Gas Company.*

## CAP. LXXII.

### An Act to Incorporate the Hamilton Exchange.

[Assented to 21st December, 1874.]

Preamble.

WHEREAS James Turner, Isaac Buchanan, A. McInnes, A. I. McKenzie, Adam Hope, Edward Martin, W. F. Findlay, Charles Cameron, Adam Brown, William McGiverin, S. E. Gregory, and others, have by their petition prayed for an Act of incorporation under the name of the Hamilton Exchange, for the purpose of erecting a building in the City of Hamilton, suitable for a Merchants' Exchange, Music Hall, and other purposes, and it is expedient to grant the prayer of the petitioners :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Incorporation.

1. The said James Turner, Isaac Buchanan, A. McInnes, A. I. McKenzie, Adam Hope, Edward Martin, W. F. Findlay, Charles Cameron, Adam Brown, William McGiverin, and S. E. Gregory, together with all such other persons as shall become shareholders in the company hereby constituted, shall be, and they are hereby made a body corporate and politic, by the name of the "Hamilton Exchange."

Corporate name.

Building.

2. The company may erect, construct, and maintain in the City of Hamilton, a building suitable for a merchants' exchange, music hall, and any other purpose for which the said building may be made available, and may lease the same in whole or in part, for the purpose of a merchants' exchange, music hall, or other purpose for which the same may be made available upon such terms and conditions, and for such a length of time as may, from time to time, be agreed upon.

Capital Stock.

3. The capital stock of the company shall be the sum of sixty-five thousand dollars in shares of fifty dollars each.

4. Until the first meeting of such board, James Turner, Alexander Harvey, Edward Martin, Alexander McInnes, W. F. Findlay, James Watson, Charles R. Murray, A. I. McKenzie, and S. E. Gregory shall be first directors of the said company.

5. It shall be lawful for the municipal corporation of the City of Hamilton if they see fit, to exempt the property of the Company from taxes or to commute the said taxes for any period not exceeding ten years.

6. All subscriptions for shares made prior to the passing of this Act, shall be as valid and binding upon the subscribers and the company as if made subsequent to the passing of this Act, and all payments made on account of any share or shares shall also be valid and binding for all purposes, as if paid after the passing of this Act.

7. The said company and the directors, officers and shareholders thereof, shall, unless where otherwise provided by this Act, have, possess, and be subject to the powers, rights, liabilities, privileges, duties and obligations had, possessed or imposed upon companies, incorporated under the "Ontario Joint Stock Companies Letters Patent Act, 1874," the clauses of which are hereby incorporated with this Act, unless where inconsistent therewith; and for this purpose this Act shall be construed as if it were Letters Patent issued under the said Joint Stock Companies Act.

## CAP. LXXIII.

### An Act to define and extend the powers of The Canada Landed Credit Company.

[Assented to 21st December, 1874.]

WHEREAS the said Company have petitioned that an Act may be passed to define and extend the powers conferred upon them, and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Company is hereby empowered to act as an Agency and Trust Company in the said Province of Ontario, and may hold, invest, and deal in its own name or otherwise with such moneys, mortgages, hypothecs, securities, or evidences of debt as shall from time to time be transferred or delivered to the Company.

Company upon trust or as agents, and may exercise in their own name or otherwise, all the rights which the parties so transferring or delivering the same might or could exercise.

Powers as to  
Real Estate.

2. The said Company shall be capable of purchasing, having and holding to them and their successors, real estate in the City of Toronto as shall be requisite for its accommodation in relation to the convenient transaction of its business, and of letting, conveying or otherwise departing with the same or any part thereof for the benefit of the said Company from time to time as they shall deem necessary and expedient, such real estate not to exceed an annual value of six thousand dollars.

Investment of  
surplus funds.

3. The said Company may invest any of their surplus funds in any of the public securities of this Province, and may purchase debentures of municipal corporations of this Province, and may re-sell the same as to them shall seem advisable.

## CAP. LXXIV.

An Act to Incorporate the Synod of the Diocese of Huron, and to unite the Church Society of the Diocese of Huron therewith.

[Assented to 21st December, 1874.]

Preamble.

WHEREAS the Synod of the United Church of England and Ireland of the Diocese of Huron have petitioned for an Act for the incorporation of the said Synod, and for union with the Church Society of the said Diocese; and the said Church Society have also petitioned for the same, and it will greatly facilitate the objects for which the said Synod and Church Society were established, to grant the prayer of the said petitioners;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Incorporation

1. The Synod of the United Church of England and Ireland of the Diocese of Huron shall be, and the same is hereby incorporated by the name of "The Incorporated Synod of the Diocese of Huron."

Synod, of  
whom com-  
posed.

2. The said Incorporated Synod shall consist of the Bishop of the said Diocese who shall be the head of the Synod, and any Suffragan or Coadjutor Bishop thereof, the Priests and Deacons of the same licensed by the Bishop or Suffragan, and of the lay delegates or representatives elected or to be elected according to the constitution of the said Synod, as the same exists



exists at the time of the passing of this Act, or as it may from time to time be altered by the said Synod after the passing of this Act; and so far as the financial affairs of the Synod are concerned, the following shall also be members thereof, that is to say, the life members of the said Church Society, and each other member of the said Society who prior to the passing of this Act appears on the books of the said Society as having contributed in annual subscriptions to the said Society the aggregate of fifty dollars: Provided always, that each and every of said life and other members of the Church Society seeking admission to any meeting of the Synod under the authority of this section shall, before being admitted thereto deposit with the secretary of the Synod, a certificate from the incumbent of the parish where such member for the time being resides, that he is eligible to be elected a lay member of the said Synod.

3. The Church Society of the Diocese of Huron shall be, and is hereby united to and incorporated with the said Synod of the Diocese of Huron, and shall hereafter be called and known as "The Incorporated Synod of the Diocese of Huron."

The Church Society incorporated with the Synod.

4. All the property of what nature or kind soever now held by or vested in the said Church Society shall be, and is hereby declared to be vested in the said Incorporated Synod of the Diocese of Huron without any conveyance thereof by the said Church Society to the said Synod; and the name of the said Incorporated Synod is and shall stand and be in the place of the name of the said Church Society in all deeds and other writings relating to the property and affairs of the said Church Society, and in all suits and proceedings either at law or in equity by or against the said Church Society.

Property held by Church Society vested in the Synod.

5. All property of what nature or kind soever now held, or which may hereafter be acquired, by any person or corporation for any church purpose in connection with the Church of England in Canada, within the limits of the diocese of Huron, may, by such person or corporation, be conveyed to the said Incorporated Synod, and thenceforth the said Synod shall perform the trusts relating thereto, and the person or corporation so conveying such property shall be discharged from such trusts.

Property held for Church purposes may be conveyed to the Synod.

6. The said Synod shall be subject to all the liabilities of the said Church Society, and shall hold all property vested in trust in the said Society upon the same trusts as such property was heretofore held by the said Society; and shall administer the same according to such trusts; and may sell and absolutely dispose of all or any property of what nature or kind soever, now or which may at any time hereafter become vested in the said Synod on any trust; and shall have and hold the proceeds thereof upon the same trusts as the said property had been before held; but no purchaser shall be liable for the application

Terms upon which property may be held by Synod.

Power of sale.

**Rights and liabilities.**

cation of any money paid by him on any such sale; and all claims, rights, suits, actions, cause and causes of suit and action which might but for this Act be brought, prosecuted or enforced, by any person or persons, body or bodies corporate whatsoever, against the said Church Society of the Diocese of Huron, may be brought, prosecuted and enforced against the said Synod, and against its funds, property and effects; and nothing herein contained shall relieve any officer or corporator of the said Church Society from any existing claim or liability at law or in equity, or take away any right of action or suit of any corporator of the said Society, or other person or of the said Society, in respect of any of the affairs or property of the said Society.

**Powers of Synod.**

7. The said Synod shall have all the powers, rights, privileges and franchises conferred upon the said Synod under the Act passed in the Session held in the nineteenth and twentieth years of Her Majesty's reign, intituled "An Act to enable members of the United Church of England and Ireland to meet in Synod," as well as those conferred upon the Church Society by the several Acts of the Legislature of the Province relating to the said Church Society, and to enforce all rights and claims which either such Synod or Society could enforce against any person or persons whatsoever, body or bodies corporate, or otherwise howsoever:

**Powers to make canons, by-laws, &c.**

8. The said Synod shall have full power and authority to make such canons, rules, regulations and by-laws as by the said Synod may be considered necessary in the exercise of the powers conferred upon the said Synod under the said Acts in the next preceding clause mentioned, and also for the conduct of their proceedings, regulation of their members and all such other matters as may pertain to the proper and orderly discharge of their business; and also notwithstanding anything contained to the contrary in an Act of the Parliament of the Province of Upper Canada, passed in the third year of the reign of Her Majesty Queen Victoria, chaptered seventy-four, and known as "The Church Temporalities Act," or of an Act of the Parliament of the Province of Canada, passed in the session held in the twenty-ninth and thirtieth years of the reign of Her said Majesty, chaptered fifteen, and known as "The Church Temporalities Amendment Act," the said Synod shall have full power and authority to make by-laws regulating and providing for the formation and organization of a vestry in every church erected or to be erected in the said diocese as well where the pews and sittings therein are free as where they are let, and also declaring and defining the duties and powers of such vestries; and the church-wardens for the time being of any such church or churches shall have like rights, privileges and powers and shall be subject to like duties and liabilities as church-wardens appointed under the provisions of the said "The Church Temporalities Act," now have and are, and they and their suc-

cissors

cessors may as a corporation hold such real estate as may be given, granted or devised to them for the use of their church as a site for a church, a parsonage or a school house, and may from time to time with the approval of their vestry signified by a resolution, passed at a meeting of such vestry, mortgage such real estate for the purpose of raising money to be expended in the erection thereon of a church, a parsonage or a school house, as the case may be.

9. The said Synod may exercise all its powers by and through such boards or committees as the said Synod may from time to time appoint by by-law or by-laws, for the management of all or any of the affairs or property of the said Synod.

Boards and committees of Synod.

10. The said Synod may appoint and remove all such officers as may be found necessary for the management of the affairs and business of the said Synod, and provide for their remuneration.

Appointment and removal of officers.

11. Until other provision is made under this Act by the Synod all the property and funds of the said Church Society shall continue to be managed by the committees and officers of the said Church Society, and under the by-laws thereof but subject to the supervision and control of the Synod to whom all reports respecting the same shall be made.

Present management of the property.

12. The said Incorporated Synod may invest all or any of the funds intrusted to its care including those derived from the sale of rectory lands, in government securities, municipal debentures, the stocks of any chartered bank or permanent building society or other incorporated financial company in Canada, or in mortgages of real estate: But nothing in this Act contained shall be construed to give the said Incorporated Synod power or authority to apply the income derived from any such investments otherwise than in strict accordance with the special trusts relating to such funds respectively.

Investment of funds.

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## CAP. LXXV.

An Act respecting the union of certain Presbyterian Churches therein named.

[Assented to 21st December, 1874.]

**W**HEREAS the Canada Presbyterian Church, the Presbyterian Church of Canada in connection with the Church of Scotland, the Church of the Maritime Provinces in connexion with the Church of Scotland, and the Presbyterian Church of the Lower Provinces, have severally agreed to unite together and

Preamble.



and form one body or denomination of Christians, under the name of "The Presbyterian Church in Canada;" and the Moderators of the General Assembly of the Canada Presbyterian Church, and of the Synods of the Presbyterian Church of Canada in connexion with the Church of Scotland, and the Church of the Maritime Provinces in connexion with the Church of Scotland, and the Presbyterian Church of the Lower Provinces, respectively, by and with the consent of the said General Assembly and Synods, have by their petitions, stating such agreement to unite as aforesaid, prayed that for the furtherance of this their purpose, and to remove any obstructions to such union which may arise out of the present form and designation of the several Trusts or Acts of Incorporation by which the property of the said Churches, and of the colleges and congregations connected with the said Churches, or any of them respectively, are held and administered or otherwise, certain legislative provisions may be made in reference to the property of the said Churches, colleges and congregations situate within the Province of Ontario and other matters affecting the same in view of the said union:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

All property vested in "the Presbyterian Church in Canada."

1. As soon as the union takes place, all property, real or personal, within the Province of Ontario, now belonging to or held in trust for or to the use of any congregation in connexion or communion with any of the said Churches, shall thenceforth be held, used and administered for the benefit of the same congregation in connexion or communion with the united body, under the name of "The Presbyterian Church in Canada."

Rights of congregations may make certain alterations.

2. Provided always that if any congregation in connexion or communion with any of the said Churches, shall at a meeting of the said congregation regularly called according to the constitution of the said congregation, or the practice of the Church with which it is connected, and held within six months after the said union takes place, decide by a majority of the votes of those who, by the constitution of the said congregation, or the practice of the said Church with which it is connected, are entitled to vote at such a meeting, determine not to enter into the said union, but to dissent therefrom, then and in such case the congregational property of the said congregation shall remain unaffected by this Act, or by any of the provisions thereof; but in the event of any congregation so dissenting as aforesaid, at any future time resolving to enter into and adhere to the said united Church, then from the time of such resolution being come to, this Act and the provisions thereof shall apply to the property of such congregation.

Congregations may make certain alterations

3. Congregations may from time to time alter or vary any of the provisions contained in the trust deeds under which their



their property is held, or in their constitutions, which relate to the mode in which their affairs and property shall be managed or regulated, and to the persons who shall be entitled to take part in such management, or to vote at meetings of the congregation on questions affecting the affairs and property of the congregation or the management thereof; but the sanction of the Presbytery under whose care such congregation is placed shall be obtained before any such alteration or variation shall take effect.

in their trust  
deeds, &c.

4. The several clauses and provisions of the Act of the Legislature of Ontario, passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, chaptered one hundred and thirty-five and intituled, "An Act respecting the Property of Religious Institutions in the Province of Ontario," and the amendments thereto, shall apply to the various congregations in Ontario in connexion or communion with the Presbyterian Church in Canada: Provided always, that before any of the powers of leasing, if for a period exceeding seven years, or selling, exchanging or mortgaging, be exercised by any congregation or by the trustees thereof, the sanction of the Presbytery within whose bounds such congregation is placed shall be obtained.

Selling or  
mortgaging  
lands.

5. All other property, real or personal, belonging to or held in trust for the use of any of the said churches or religious bodies, or for any college or educational or other institution, or for any trust in connection with any of the said churches or religious bodies, either generally or for any special purpose or object, shall from the time the said contemplated union takes place, and thenceforth, belong to and be held in trust for and to the use in like manner of "The Presbyterian Church in Canada," or for or to the use in like manner of the said college, educational or other institution or trust in connexion therewith.

Trust of prop-  
erties after  
union.

6. But all such property, real or personal, as is affected by this Act, shall in all respects, save as aforesaid, be held and administered, as nearly as may be, in the same manner and subject to the same conditions as provided by the Deeds of Trust, Acts of Incorporation, or any other instruments or authority under which the same is now held or administered.

Administering  
trust prop-  
erties conform-  
ably to exist-  
ing trusts.

7. As soon as the said union takes place, the Corporation of Knox College shall stand in the same relation to the Presbyterian Church in Canada, in which it now stands to the Canada Presbyterian Church; and all the provisions of the Act of the late Province passed in the twenty-second year of the reign of Her Majesty Queen Victoria, chaptered sixty-nine, and intituled "An Act to incorporate Knox College," shall continue to apply to said college and corporation; and all the rights, powers and authorities by said Act vested in the Synod of the then

Knox College

Presbyterian

Synod of the  
Presbyterian  
Church of Ca-  
nada.

Queen's College.

The Presbyterian College of Montreal.

Morrin College

Presbyterian Church of Canada shall be vested in, apply to and be exercised by the Supreme Court of the Presbyterian Church in Canada : And the Corporation of Queen's College shall in like manner stand in the same relation to the Presbyterian Church in Canada, in which it now stands to the Presbyterian Church of Canada in connection with the Church of Scotland ; and all the powers, rights and privileges hitherto exercised and enjoyed by the ministers and members of the Presbyterian Church of Canada in connection with the Church of Scotland, as corporators of the said College, and by the Synod of the said Presbyterian Church of Canada in connection with the Church of Scotland, in virtue of their relations respectively to Queen's College at Kingston, shall be exercised and enjoyed by the ministers and members of the Presbyterian Church in Canada, and by the Supreme Court of the said Presbyterian Church in Canada : Provided always, that the said united Church shall not be required to elect trustees for any Arts Department in Queen's College aforesaid ; and the Corporation of the Presbyterian College of Montreal shall in like manner stand in the same relation to the Presbyterian Church in Canada, as it now stands to the Canada Presbyterian Church ; and the provisions of the Act of the late Province of Canada, passed in the twenty-eighth year of the reign of Her said Majesty, chaptered fifty-three, and intituled "An Act to incorporate the Presbyterian College of Montreal," shall continue to apply to said College and Corporation, and all the rights, powers and authorities by said Act vested in the Synod of the Canada Presbyterian Church shall be vested in, apply to and be exercised by the Supreme Court of the Presbyterian Church in Canada : And in like manner the Corporation of Morrin College shall stand in the same relation to the Presbyterian Church in Canada, as it now stands to the Presbyterian Church of Canada in connection with the Church of Scotland ; and all the provisions of the Act of the late Province of Canada, passed in the twenty-fourth year of the reign of her said Majesty, chaptered one hundred and nine, and intituled "An Act to incorporate Morrin College at Quebec," shall continue to apply to said College ; and all the rights of the Synod of the Presbyterian Church of Canada in connection with the Church of Scotland shall be vested in the Supreme Court of the Presbyterian Church in Canada ; and all the rights, powers and authorities vested by the said Act in the Minister and congregation of St. Andrew's Church, Quebec, shall continue to be held and exercised by said minister and congregation in connection with the Presbyterian Church in Canada ; Provided always, that the said united Church shall not be required to elect trustees for any Arts Department in Morrin College aforesaid.

Temporalities fund.

8. Whereas the ministers of the said Presbyterian Church of Canada in connection with the Church of Scotland are entitled to receive incomes from a fund called the Temporalities Fund,

Fund, administered by a Board incorporated by Statute of the heretofore Province of Canada, and it is proposed to preserve to them intact, during their respective lives, their said incomes derivable from said fund; it is therefore enacted that the present members of the said Board shall continue in office and manage the said fund on behalf of the said ministers now deriving revenue therefrom, and the income to said ministers shall be continued in full to them respectively during their lifetime, and while Presbyterian ministers in good standing within the Dominion of Canada, whether in active service or retired, and whether in connexion with the said church or not : So soon as any part of the revenue accruing from said fund is not required to meet the payment of said incomes and other vested rights in the fund, and expenses therewith, the same shall pass to and be subject to the disposal of the said united Church ; and any part of the said fund that may remain to the good after the death of the last survivor of the said ministers, shall thereupon pass to and be subject to the disposal of the Supreme Court of said united Church, for the purpose of a Home Mission Fund for aiding weak charges in the united Church ; and vacancies in the meantime occurring in said Board shall not be filled up in the manner hitherto observed, but shall be filled up from among the members of the said united church, nominated by the beneficiaries of the said fund.

9. And whereas "The Canada Presbyterian Church" and "the Presbyterian Church of Canada in connexion with the Church of Scotland," have each of them a fund for the benefit of widows and orphans of ministers pertaining to them respectively, and it is not deemed desirable that two such funds should long exist separately after the union, nor that there should be two separate organizations for the management thereof ; it is therefore enacted that said two funds shall be kept separate, and the separate and distinct management and administration thereof continued by the Boards respectively having the management and control thereof at the time of the union, so long only, and until the Supreme Court of said united Church shall have made provision for the amalgamation of said two funds and the management thereof, whereupon the said two separate organizations shall become extinct, and the said two funds shall pass to and vest in the trustees, body or persons indicated for the management thereof by the said Supreme Court ; and until such provision is made, vacancies occurring in either of said respective organizations shall not be filled up as hitherto, but shall be filled up by the remaining members of each of said organizations for their respective bodies.

10. As soon as the said union takes place, the Presbyterian Church in Canada, and any of the trusts in connexion with the said Church, and any of the religious or charitable schemes of the said Church, may by the name thereof, or by trustees, from time

Widow  
orphan's fund  
Gifts, devises  
and bequests.



time to time take by gift, devise or bequest, any lands or tenements or interests therein, provided such gift, devise or bequest be made at least six months before the death of the person making the same: but the said Church, and the said religious or charitable schemes of the said Church, shall at no time take by gift, devise or bequest, lands or tenements, or any interest therein, the annual value of which, together with that of all other lands and tenements theretofore acquired by like means, and then held by the said Church, or by the particular scheme in favour of which such gift, devise or bequest may be made, shall exceed in the whole one thousand dollars; nor shall the said Church, or any of the religious or charitable schemes of the said Church, at any time take by gift, devise or bequest, lands or tenements the annual value of which and of all the other real estate of the said Church, or of the particular scheme in favour of which the gift, devise or bequest is made, shall together exceed five thousand dollars; and no lands or tenements acquired by gift, devise or bequest within the limits aforesaid, but not required for the actual use or occupation, shall be held for a longer period than seven years after the acquisition thereof, and within such period the same shall be absolutely disposed of, and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, not including mortgages on land; and any lands, tenements or interests therein required by this Act to be sold and disposed of, but which may not have been so disposed of, shall revert to the person from whom the same were acquired, his heirs, executors, administrators or assigns.

When this Act  
to take effect.

**11.** The union of the said four Churches shall be held to take place so soon as the articles of the said union shall have been signed by the Moderators of the said respective Churches.

## CAP. LXXVI.

### An Act respecting Queen's College, at Kingston.

[Assented to 21st December, 1874.]

Preamble.

**W**HEREAS "Queen's College, at Kingston," in the Province of Ontario, was founded under and by virtue of Royal Letters Patent, bearing date at Windsor, the sixteenth day of October in the fifth year of Her Majesty's reign; And whereas, the said Letters Patent constitute the Ministers of the Presbyterian Church of Canada in connexion with the Church of Scotland, together with the members of the said Church in full communion therewith, the Corporation of "Queen's College at Kingston" aforesaid, and appoint for the said Corporation a Board of Trustees, consisting of so many of the aforesaid ministers



ministers and laymen, and provide for the retiring annually of a certain number of ministers on the first day of the annual meeting of the Synod of the said Church, and for the election by the said Synod of an equal number of ministers of the said Church to be their successors; And whereas, the Trustees of the said Corporation have, by their Chairman, represented that the said Presbyterian Church of Canada in connexion with the Church of Scotland proposes to unite with certain other Presbyterian Churches, to wit, "The Canada Presbyterian Church," "The Church of the Maritime Provinces, in connexion with the Church of Scotland," and "The Presbyterian Church of the Lower Provinces," for the purpose of forming one Church, to be called "The Presbyterian Church in Canada," and have prayed for an Act to enable the said College to stand towards the said Presbyterian Church in Canada in relations similar to those which it now holds to the Presbyterian Church of Canada in connexion with the Church of Scotland, and to enable the Board of Trustees of the said College and their successors to continue the administration of its affairs, and the said College to continue its functions, on terms and conditions like to those which now exist; and have further prayed for additional powers and privileges with the view of increasing the efficiency and of extending the usefulness of the said College; and it is desirable to grant the prayer of the said Trustees:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. So soon as this Act shall come into force, all the provisions in the said Letters Patent which now apply to the Church of Scotland, or to the Presbyterian Church of Canada in connexion with the Church of Scotland, shall apply to the Presbyterian Church in Canada, and shall be applicable thereto in the same sense, for the same purposes, and to the same extent as they are now applicable to the said Church of Scotland, or the said Presbyterian Church of Canada in connexion with the Church of Scotland; and all the powers, rights and privileges hitherto exercised and enjoyed by the ministers and members of the Presbyterian Church of Canada in connexion with the Church of Scotland, as corporators of the said College, and by the Synod of the said Presbyterian Church of Canada in connexion with the Church of Scotland, in virtue of their relations respectively to Queen's College at Kingston, shall be exercised and enjoyed by the ministers and members of the Presbyterian Church in Canada, and by the General Assembly or other Supreme Court of the said Presbyterian Church in Canada, respectively, except as hereinafter provided.

Provisions of the letters patent to apply to the Presbyterian Church in Canada.

2. The number of Trustees, both of ministers and laymen, who by the said Letters Patent are required to retire annually on the first day of the annual meeting of the Synod of the Presbyterian Church of Canada in connexion with the Church of Scotland,

Retiring trustees.

Scotland, shall retire annually on a day which the Trustees shall have power from time to time to appoint for the purpose, and on the same day the Board of Trustees, duly convened and met shall elect successors to the members so retiring, whether said members be ministers or laymen.

Meeting of trustees to be held on the request of three members of the Board.

3. When at any time after this Act shall come into force the Chairman of the Board of Trustees or, in his absence, the Senior Trustee shall receive a notice in writing from three members of the Board, requesting him to summon a meeting of the Trustees, such meeting shall be legally convened by the Chairman or said Senior Trustee causing the Secretary to the Board to notify every member of the Board of the time, place and purpose of such meeting, and by the Secretary mailing notices of the meeting at least fifteen days before it shall take place.

Vice-Principal.

4. The Board of Trustees may appoint a Vice-Principal of the said College, and such Vice-Principal shall, in the absence of the Principal, take the place and discharge the duties of the Principal.

Vote of Chairman.

5. The Chairman of the Board of Trustees shall have the right to vote the same as other members of the Board on all motions submitted to any meeting of the Trustees, and, in case of an equality of votes upon any motion, he shall also have the right of a casting vote.

Power to hold lands and receive bequests.

6. The power hitherto vested in the corporation of Queen's College, to take, purchase, acquire, have, hold, enjoy, receive, possess, and maintain in law, to and for the use of the said College, any messuages, lands, tenements and hereditaments, goods, chattels, moneys, stocks, charitable or other contributions, gifts, benefactions or bequests whatsoever, shall not be limited, from and after the date hereof, by any statute or statutes of mortmain.

Degrees.

7. The College Senate shall have power to pass by-laws touching any matter or thing pertaining to the conditions on which degrees in the several Arts and Faculties may be conferred, whether the said degrees be such as are gained in course, or such as are honorary, or whether they be conferred on matriculants of Queen's College or other persons, but any such by-law shall be reported to the first meeting of the Board of Trustees after being passed, and shall cease to be in force if disapproved of by the Board.

Convocation.

8. The Trustees, Lecturers, Tutors, Fellows, Graduates, and Alumni or Students being undergraduates of the said College, shall have power and authority to meet in Convocation for the public conferring of degrees and other honours and distinctions awarded or granted by the College Senate, for the installation of the Chancellor, hereinafter mentioned, Principal, or any Professor

fessor duly elected or appointed according to the provisions of the aforesaid Letters Patent, and for such other purposes as the University Council, constituted as hereinafter provided, shall from time to time determine.

9. There shall be in connection with the said Queen's College a Council, which shall be called the University Council of Queen's College; and the said Council shall, as to membership, consist of all the Trustees of the said College, for the time being, and their successors, and of all the members of the College Senate, for the time being, and their successors, and of as many graduates or alumni as shall be equal in number to these aforesaid members taken together; and the members of the Council, other than the Trustees and members of the College Senate, shall be appointed, in the first instance, by the Trustees and members of the College Senate, at a meeting thereof to be convened by the Chairman of the Board of Trustees causing a written or a printed notice to be mailed to each of them at least fifteen days before the meeting, and within one year after this Act shall come into force; but the successors of the graduates and alumni so appointed shall be elective members of the Council and shall be elected in the manner following, that is to say: within one year after the holding of the aforesaid meeting and appointing of the aforesaid members, the Chairman of the Board of Trustees shall convene a meeting of the Council constituted in the manner aforesaid, by causing a written or printed notice to be mailed to each member at least fifteen days before the meeting, and at the said meeting, or any meeting adjourned therefrom or held subsequent thereto, the members present, provided their number be not less than fifteen, shall have power and authority to frame and pass By-laws for the following purposes, that is to say:

Power to pass  
by-laws for,

1. For the obtaining of a registration of such graduates and alumni of Queen's College as may desire to vote for elective members of the Council and for a Chancellor of the University of Queen's College, as hereinafter provided, and to be considered eligible for election to membership in the Council; and such registration shall be a condition of any graduate or alumnus voting or being elected; Provided always, that the Council shall not admit to such registration any alumnus actually attending classes in Queen's College, or any alumnus who may have left Queen's College without being a matriculant of two years' standing, or any graduate who has not matriculated at least once as an alumnus or student of Queen's College, or any alumnus who shall matriculate after the year 1879, until such alumnus shall become a graduate of said College;

Registration  
of graduates  
and alumni,

2. For the retiring annually of a certain number, not being less than five nor more than eight of the elective members, and for the election of their successors by graduates and alumni duly registered as hereinbefore provided, and also for the election of persons to fill vacancies that may occur from time to time by death, resignation, or otherwise;

retiring mem-  
bers,



appointment  
of officers,

election of  
chancellor.

3. For the appointment and removal of a Secretary and such other officers as the Council may deem necessary or expedient ;

4. For the election of a Chancellor, who shall be chosen without reference to his ecclesiastical connection, except that he must be a Protestant, who shall be designated the Chancellor of Queen University, who shall be the highest officer of the University and College, who as such highest officer shall preside at all meetings of Convocation of the University Council, and of all statutory meetings of the College Senate at which he may be present, who shall have both a deliberative and a casting vote on all motions submitted to any such meetings, and who shall hold office for three years from the date of his election, and longer if need be, until his successor be chosen ; Provided always, that if two or more candidates for the office of Chancellor be at any time nominated at the meeting of the Council called for the nomination of a Chancellor, the election of one of the candidates shall be referred to the graduates and alumni registered as aforesaid, and shall be decided by a majority of their votes taken according to such By-laws as may be framed and passed by the Council.

Powers of the  
University  
Council.

10. The University Council, constituted in the manner hereinbefore provided, shall have and may exercise the powers following, that is to say : (1) The power of discussing any matter whatsoever relating to the said College, and of declaring the opinion of the Council on any such matter : (2) The power of taking into consideration all questions affecting the well-being and prosperity of the said College, and of making representations from time to time on such questions to the Board of Trustees and the College Senate, or either of the said bodies, who shall consider the same and return to the Council their conclusions thereon : (3) The power of deciding upon such terms as the Board of Trustees shall propose in writing as to the affiliation of any College or School with the University of Queen's College aforesaid : (4) The power of determining all matters pertaining to the calling of meetings of the Council and of Convocation, whether the same be annual, adjourned, or special meeting, of fixing the number of members that shall be a quorum for the despatch of business at all such meetings, or any or either of them, and of deciding upon and regulating the mode of conducting its own proceedings and the proceedings of Convocation : (5) The power of framing a declaration of fidelity to his office on the part of the Chancellor, and of determining what shall be the form of his assent thereto, and also of appointing the ceremonies to be observed at his installation and the manner of their observance : (6) The power of requiring fees to be paid by members of the Council as a condition of membership, and by graduates and alumni as a condition of registration or voting as hereinbefore provided : and (7) The power of framing and passing By-laws touching and concerning all matters whatsoever appertaining to the powers and functions of the Council and the lawful exercise thereof, and also from time to time by new By-laws to revoke, renew, augment or alter



alter any of the said By-laws, as to the Council shall seem meet and expedient; Provided always that any such By-laws shall not be repugnant to the provisions of the Letters Patent aforesaid, or of this Act, or the Laws of the Province of Ontario, or of the Dominion of Canada; Provided always, that except as in this Act expressly provided the Council shall not be entitled to interfere in or have any control over the affairs of the University or College.

**11.** All provisions whatsoever contained in the aforesaid Letters Patent, except so far as any of them are modified or changed by the provisions of this Act, shall continue in force the same as if this Act had not been passed. Letters patent to remain in force.

**12.** The Principal shall be Vice-Chancellor of the University, and in the absence of the Chancellor shall take his place and discharge his duties. Principal to be the Vice-Chancellor.

**13.** This Act shall come into force so soon as the Union of the four Churches named in the preamble of this Act shall have been consummated, and the Articles of said Union shall have been signed by the Moderators of the said respective Churches. When this Act to come into force.

## CAP. LXXVII.

An Act to confirm the appointment of Trustees in connection with the Presbyterian Church of Canada, in the City of London, and to make valid certain sales of property made by the said Trustees.

[Assented to 21st December, 1874.]

**W**HEREAS it appears by the petition of the Reverend John Scott, minister, John Birrell, William Begg, George M. Gunn, John G. McIntosh, John I. McKenzie, Daniel Lester and Alexander Davidson, that by Letters Patent, bearing date the twelfth day of June, in the year of our Lord one thousand eight hundred and forty-seven, certain lands in the then Town (now City) of London, described as lots numbers six, seven and eight, on the north side of East North Street, and lots numbers six, seven and eight on the south side of Duke Street, were granted in fee to John Michie, James Grant, John Birrell, John Dimond, William Begg and James McLaren, their heirs and assigns, in trust for the use of the Presbyterian Church in the said Town of London, in connection with the Presbyterian Synod of Canada; and that by said Letters Patent, provision was made for the mode of appointing successors to said trustees, in case any of them should die, or be desirous of being discharged

Preamble.

charged from the trusts; and further, that some of the said trustees having died, and some being desirous of being discharged from the trusts, others were nominated and appointed by instruments in writing in their stead, namely, Daniel Lester, John Ross, John Gordon McIntosh and George M. Gunn, and it was intended and supposed that such writings were sufficient for the purpose according to the terms of the provisions in said Letters Patent; and that the said William Begg and John Birrell, two of the trustees originally named in the said Letters Patent, and the said Daniel Lester, John Ross, John Gordon McIntosh and George M. Gunn, were the trustees from the twenty-first day of April, in the year of our Lord one thousand eight hundred and sixty-eight, and the said last-mentioned parties have acted as such trustees since that date without any objection on the part of any member of the congregation of said church; and also that a new church having been erected on a part of said land, it became necessary for the purpose of securing the debt of the said church to sell a portion of said land, and at a meeting of the congregation of said church duly held, the said trustees were directed to sell said lots numbers six, seven and eight, on the south side of Duke Street, or such parts as might be found expedient for the purpose aforesaid, and thereupon sales were made in accordance with the provisions of the Statutes in that respect, to private persons of portions of said last-mentioned lots, and such sales were sanctioned and confirmed by the Presbytery of London, in connection with the Canadian Presbyterian Church, under whose care such congregation was placed, and conveyances were made and executed to the several parties purchasing said lots; and that doubts exist as to the validity of the appointments of the said Daniel Lester, John Ross, John Gordon McIntosh and George M. Gunn, as trustees in the room of those originally named in said Letters Patent, who have died or desired to be relieved from such trusts, and as to their interests in and power over said lands; and it appearing that said trustees in making such sales and conveying to the several purchasers acted in good faith and for the benefit of the said congregation, and that they are desirous of having said sales and conveyances confirmed and declared valid and effectual to pass to the said purchasers an estate in fee simple in the said lots so sold and conveyed; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Appointment  
of Trustees,  
and transfers  
of land made  
valid.

1. The appointment of the said Daniel Lester, John Ross, John Gordon McIntosh and George M. Gunn, as trustees in the room of those mentioned in the said Letters Patent who have died or desired to be relieved from such trusts shall be and the same is hereby declared to have been valid, and the said land and all the estate and interest therein of the grantees named in the said Letters Patent is hereby declared to have

have been vested in fee simple in the said John Birrell, William Begg, Daniel Lester, John Ross, John Gordon McIntosh and George M. Gunn, on the twenty-first day of April, in the year of our Lord, one thousand eight hundred and sixty-eight, for the purposes and uses and upon the trusts in said Letters Patent in as full and ample a manner as though the said John Birrell, William Begg, Daniel Lester, John Ross, John Gordon McIntosh and George M. Gunn, had all been originally named in said Letters Patent as the grantees.

2. All and every sale or sales, assurances and conveyances of every kind, made and completed before the passing of this Act between the said trustees and the several persons who purchased the same from the said trustees of portions of lots numbers six, seven and eight on the south side of Duke Street in the said City of London, and which were sanctioned and confirmed by the Presbytery of London in connection with the Canadian Presbyterian church shall, and the same are hereby declared valid and effectual to pass to the said several purchasers and their several heirs and assigns an estate in fee simple in the several portions of the said lots so sold and conveyed to them the said several purchasers, to the same extent as if the said grantors in the said deeds had been duly appointed such trustees under and according to the provisions contained in the original letters patent relative to the appointment of the successors to the trustees named therein.

Certain conveyances declared valid.

## CAP. LXXVIII

### An Act respecting the Methodist Church of Canada.

[Assented to 21st December, 1874.]

**W**HEREAS the Church heretofore known in the Provinces of Ontario, Quebec, Manitoba, and British Columbia as "The Wesleyan Methodist Church in Canada in connection with the English Conference," and the Church heretofore known in the Provinces of New Brunswick, Nova Scotia, Prince Edward Island, and Newfoundland, and in the Bermuda Islands, as "The Wesleyan Methodist Church of Eastern British America," and the Church heretofore known in the Provinces of Ontario and Quebec as "The Methodist New Connexion Church of Canada," have united and formed themselves into one Church under the name of "The Methodist Church of Canada," the terms of such union having been previously assented to by the said three respective Churches, and by the British Wesleyan Conference, and the English New Connexion Conference : And whereas, at a General Conference of the said

Preamble.

United

United Church, held at the City of Toronto, in the months of September and October last, and composed equally of Ministers and Laymen, such union was confirmed : And whereas, the said General Conference have by their petition prayed that an Act might be passed to vest in the United Church all real and other property hitherto held in trust by or for the use of the said three first-mentioned Churches respectively ; and that a short form of deed might be provided for the conveyance in trust of such real estate as might hereafter be required for the use of the several congregations of the said United Church ; and that the respective Acts incorporating the several Trust Funds, Institutions, and Societies of the said three first-mentioned Churches might be amended as required in consequence of the union of the said Churches ; and for such other purposes as might be necessary in order fully to carry into effect such union ; and it is proper that the prayer of such petition should be granted :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Properties held  
by certain  
methodist  
churches vest-  
ed in the Me-  
thodist Church  
of Canada.

1. The real and other property held by, or in trust for, "The Wesleyan Methodist Church in Canada, in connexion with the English Conference," "The Wesleyan Methodist Church of Eastern British America," and "The Methodist New Connexion Church of Canada," at the time of the said Union of the said three Churches, is hereby declared to have become vested in trust for the use of the said Methodist Church of Canada, as fully and effectually as the same was previously vested in, or held in trust for, the said three first-mentioned Churches respectively.

35 Vic., c. 107,  
amended.

2. The Act of this Province, passed in the thirty-fifth year of the reign of Her Majesty Queen Victoria, chapter one hundred and seven, intituled, "An Act to enable the Trustees of the several congregations in Ontario of the Wesleyan Methodist Church in Canada, in connection with the English Conference, to place the lands held by them respectively, under the directions and provisions of the Model Deed of the said Church, and for other purposes," is hereby amended as follows : All the provisions of the said Act and the Schedules thereto attached, shall be held, and construed to apply, since the union of the said Churches, to the said Methodist Church of Canada and to the congregations of the said Church ; and the words "The Methodist Church of Canada" shall be substituted for the words "The Wesleyan Methodist Church in Canada in connection with the English Conference" where such change can be made ; and the Model and Reference Deeds, in the said Act referred to, shall, as altered by this Act, apply to, and be used for, "The said Methodist Church of Canada," and the congregations thereof.

Sec. 1,  
amended.

3. The first Section of the said Act is amended by striking out the first three lines thereof, and inserting instead thereof  
the



the following words: "From and after the passing of this Act the Trustees of the several congregations of 'the Methodist Church of Canada,' and of the Churches heretofore known as 'The Wesleyan Methodist Church in Canada in connexion with the English Conference,' and 'The Methodist New Connexion Church of Canada.'"

4. Section three of the said Act is amended by striking out the last four lines of the said section, and substituting therefor the following words: "As printed in the Book of Discipline of the said Methodist Church of Canada, published by the Rev. Samuel Rose, Toronto, in the year 1873." Sec. 3,  
amended.

5. The first Schedule of the said Act is amended by inserting after the word "chaptered" the following figures and words: "107, as amended by an act passed in the thirty-eighth year of Her Majesty's Reign, intituled, 'An Act respecting the Methodist Church of Canada.'" Schedule 1,  
amended.

6. The second Schedule, column two, of the said Act is amended by striking out from the second section thereof the words "the said Conference of the said Wesleyan Methodist Church," and substituting therefor the words "the Annual Conference of the said Church, within the bounds of which Annual Conference the said Church property thereby conveyed is situate;" and by striking out from the fourth section thereof the words "the said Conference," and substituting therefor, "The General Conference of the said Methodist Church;" and by striking out from the twelfth section thereof the words "fourteen days," wherever they occur, and substituting therefor the words "seven days;" and by striking out from the thirteenth section thereof the words "and which casting vote he shall have in addition to the vote which he shall be entitled to in his character of Trustee, Superintendent, Minister or otherwise;" and by inserting in the fourteenth section thereof before the word "Conference," wherever it occurs in said section, the word "General;" and by striking out the word "Annual," before the word "Minutes;" and by striking out the words "and in the Articles of Settlement and Re-union, therein before mentioned, for altering or amending the same;" and by inserting in the fifteenth section thereof before the word "vote," the word "casting;" and by striking out the word "Conference," wherever it occurs in the sixteenth and seventeenth sections of the said schedule, and inserting in lieu thereof the words "Annual Conference within the bounds of which the said lands are situate."

7. The third Schedule of the said Act is hereby amended by adding after the word "Act," in the ninth line of the said Schedule, the words, "And as amended by the Act passed in the thirty-eighth year of Her Majesty's reign, intituled, 'An Act respecting the Methodist Church of Canada.'" Schedule 3,  
amended.

15 Vic., c. 142.  
amended.

8. The Act of the Province of Canada, passed in the fifteenth year of the reign of Her Majesty Queen Victoria, chaptered one hundred and forty-two, intituled, "An Act to incorporate the Benevolent Societies of the Wesleyan Methodist Church in Canada," is hereby amended as follows: Since the union of the said three first-mentioned Churches as aforesaid, the provisions of the said Act shall be held and construed to apply to the Methodist Church of Canada, and wherever the words, "The Wesleyan Methodist Church in Canada, in connection with the English Conference," or, "The Wesleyan Methodist Church in Canada," occur, there shall be substituted instead thereof the words, "The Methodist Church of Canada," where such change can be made.

Conveyances  
may be valid  
if registered  
hereafter.

9. All deeds of conveyance executed before the passing of this Act for any of the uses, interests or purposes of either of the above mentioned churches shall be as valid and effectual if the same shall have been registered before the expiration of twelve months after the passing of this Act, as if registered within twelve months after the execution thereof respectively, except in so far as the same may be affected by the prior registration of other deeds or instruments relating to the lands embraced in said deeds.

Sec. 14,  
amended.

10. The fourth Section of the said last-mentioned Act is amended by striking out at the end of the said section the words "The said Conference of the Wesleyan Methodist Church in Canada," and substituting instead thereof, "The General Conference of the said Methodist Church of Canada," or the Executive Committee thereof."

Certain by  
laws con-  
tinued.

11. All the present By-laws, Rules, and Regulations of the Superannuated Ministers' Fund Society of the former Wesleyan Methodist Church in Canada, shall remain in force except as they may have been changed or superseded by the constitution of the above-mentioned union, or of the Superannuation Fund Society of the said Methodist Church of Canada, adopted at the said General Conference and printed in the said Book of Discipline, or as they may hereafter be changed at any General Conference.

Application of  
36 Vic., c. 144.

12 The provisions of the Act of this Province, passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, chaptered one hundred and forty-four, intituled, "An Act respecting the Methodist New Connexion Church of Canada," shall, since the union of the said Churches as aforesaid, be only held and construed to apply to the said Methodist Church of Canada, where the powers and purposes of the said Act can be exercised and carried out under the provisions set forth in the hereinbefore-recited Act, passed in the thirty-fifth year of Her said Majesty's reign and chaptered one hundred and seven, as said last mentioned Act is altered or amended by this Act.

**13.** And whereas the Superannuated Preachers' Annuitant Society, in connection with the said Methodist New Connexion Church of Canada, incorporated by Act of this Province, passed in the thirty-sixth year of the reign of Her Majesty Queen Victoria, chapter one hundred and forty-seven, was by mutual agreement at the union of the said Churches consolidated and amalgamated with the Superannuation Fund Society of the said Methodist Church of Canada, and the claimants on such first mentioned Fund become claimants on the said Fund of the united Church, it is enacted that the funds, moneys, real and other property belonging to the said first mentioned Society, are hereby vested in and do become the property of the Superannuation Fund Society of the Methodist Church of Canada.

The super-annuated preachers annuitant society.

## CAP. LXXIX.

An Act to consolidate and amend the Acts incorporating Victoria College at Cobourg.

[Assented to 21st December, 1874.]

**W**HEREAS it has been represented by the Board of Victoria College at Cobourg, in a memorial addressed to the Provincial Legislature, that the said Victoria College was incorporated as The Upper Canada Academy by Royal Charter in the seventh year of the Reign of His late Majesty King William the Fourth; that the said charter was subsequently amended by an Act of the Parliament of Canada, passed in the session held in the fourth and fifth years of the reign of Her Majesty Queen Victoria, constituting the said The Upper Canada Academy a College with University powers, known as Victoria College at Cobourg; that the said Acts were further amended by an Act passed in the twenty second year of the reign of her said Majesty Queen Victoria of the said Province of Canada, whereby the number of trustees, visitors and members of the Board were respectively increased; and it was shown that by such Royal Charter and subsequent Acts the power of appointment and general supervision of Victoria College were vested in the annual meeting of the "Wesleyan Methodist Conference in Canada," and that by resolution of the said annual meeting it was resolved that (subject to legislative enactment) the said jurisdiction and functions of the said annual meeting so far as relates to Victoria College should vest in the General Conference of the Methodist Church of Canada; And it was prayed that the foregoing recited Acts be consolidated and amended whereby the said jurisdiction and powers heretofore vested in the said annual meeting should become vested in like manner in the said General Conference. and that the

Preamble.

the Board of said Victoria College should consist of twelve laymen and twelve clergymen, and that seven members should constitute a quorum of the Board, and nine members a quorum of the senate, and that due notice of all meetings should be given by mail, and that all members of the Board should retire every four years, and that the Board should be required to furnish a report accompanied by a duly audited financial statement to each General Conference; and that the Board should have power to fill vacancies *ad interim*, and that the present Board should be considered the first Board under this Act, and hold office till the year of our Lord, one thousand eight hundred and seventy-eight, and that the office of *ex officio* member of Board and Trustee should be abolished; and whereas it is expedient to grant the same:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Former acts repealed.

1. That the said Charter so granted by His late Majesty King William the Fourth, and the said Act of the late Parliament of Canada, passed in the session held in the fourth and fifth years of the Reign of Her Majesty Queen Victoria, intituled An Act to incorporate the Upper Canada Academy under the name and style of Victoria College, and an Act of the said Parliament of Canada passed in the twenty-second year of the Reign of Her Majesty Queen Victoria, intituled An Act to amend the charter of Victoria College are hereby repealed.

College continued.

2. That the College established by Royal Charter and Acts as aforesaid shall be and continue to be known as Victoria College at Cobourg.

Science and literature taught on Christian principles.

3. That the various branches of science and literature shall be taught in the said College on Christian principles under the superintendence of a president or other head professors and tutors, or such master or masters or instructors, as shall from time to time be appointed.

Composition and powers of board of management.

4. That the said Victoria College shall be under the management and administration of a body corporate to be called "The Board of Victoria College at Cobourg," which shall consist of twenty-four members, twelve of whom shall be clergymen, and twelve laymen, which Board shall have perpetual succession and a common seal, with power to hold real and personal property, and to grant, demise, alien, mortgage or lease all or any real or personal property belonging to the said College, and shall have power to accept on behalf of said College any gift and endowment for promoting education, science and literature, or otherwise in aid of the general purposes of said College on such terms and conditions as may be agreed upon between said Board and the persons bestowing the same; and shall be capable of suing and being sued, pleading and being impleaded, by the name aforesaid,



aforesaid, and shall have other the usual powers of corporate bodies.

5. And all real and personal property of any kind whatsoever belonging to the said College, whether held by the present Board or College Trustees, or in trust for the College by any person, shall become vested in the present Board as aforesaid, and their successors in office, for the use and benefit of the said Victoria College, and upon the trusts if any on which such property may now be held.

Property vested in Board.

6. The Rev. Egerton Ryerson, D.D., L.L.D., The Rev. Anson Green, D.D., The Rev. Richard Jones, The Rev. Enoch Wood, D.D., The Rev. S. S. Nelles, D.D., L.L.D., The Rev. George R. Sanderson, The Rev. S. D. Rice, D.D., The Rev. S. Rose, The Rev. J. B. Howard, The Rev. E. H. Dewart, The Rev. W. S. Griffin, The Rev. A. Sutherland, John Beatty, M.D., W. W. Dean, B.A., William Kerr, M.A., John Macdonald, B. M. Britton, M.A., M. Lavell, M.D., J. H. Dumble, L.L.B., William Beatty, M.A., W. Brouse, M.D., W. H. Gibbs, Esq., J. J. MacLaren, M.A., W. E. Sandford, Esquire, being the members of the present Board, shall be considered the first Board under this Act, and shall hold office until their successors are appointed in the year of Our Lord one thousand eight hundred and seventy-eight, by the General Conference of the Methodist Church of Canada as hereinafter provided.

First Board under Act.

7. The board shall have full power from time to time to appoint and, as they shall see occasion, to remove the President or other head, the professors, tutors and masters, and all officers, agents and servants of said College; and the Board shall have full power from time to time to make and alter, or vary, any by-laws and regulations touching and concerning the time and place of holding board meetings, and notices thereof and for the good ordering and government of the said College; the performance of divine service therein; the studies, lectures, and exercises of the students, and all matters respecting the same; the number, residence, duties, salary, provision and emolument of the president, professors, tutors, masters, officers, agents and servants of the said College respectively; and all other matters and things which to them may seem good, fit and useful for the well ordering, governing and advancement of said College; and all such by-laws when reduced into writing, and after the common seal of the College hath been affixed thereto shall be binding upon all persons members thereof: Provided, that no such by-law shall be repugnant to the laws of this province or of the Dominion of Canada: Provided also, that no religious test or qualification shall be required of or appointed for any person on his admission as a student or scholar into the said College.

Functions of board as to management.  
By-laws.

8. It shall be the duty of the Board to keep proper records and minutes of all their proceedings, and to keep proper books.

Religious test dispensed with.  
Records to be kept.

Report to  
general con-  
ference.

books of account of the financial affairs of said College; and to present a report of the said College, accompanied by a duly audited financial statement, to each general conference of the Methodist Church of Canada.

Board retires  
every four  
years,

9. The members of the said board shall retire from office every four years, but shall be eligible for re-election.

Quorum of  
board and  
senate.

10. Seven members shall constitute a quorum of the board, and nine members a quorum of the senate.

Vacancies  
how filled,

11. Vacancies in the board shall be filled by the remaining members of the board *ad interim*.

Power of an-  
nual meeting  
vested in gene-  
ral conference

12. All the powers and functions heretofore vested in the said annual meeting of the Wesleyan Methodist Conference in Canada, by virtue of the said Royal Charter and subsequent Acts of the late Parliament of Canada in relation to Victoria College shall rest in like manner in the General Conference of the Methodist Church of Canada.

Appointment  
of board,

13. The said general conference shall every four years, in conference assembled, at such time as to them may deem fit, appoint twenty-four members, constituting the College Board as aforesaid.

Chairman  
shall preside,  
sign and seal  
deeds.

14. The Board shall elect one of their number to preside as chairman over all meetings and to affix the College seal and sign all deeds, papers and instruments in writing, for and on behalf of such body corporate, as may be necessary.

Majority shall  
decide.

15. All questions shall be decided by the majority of members present of board meetings, the chairman to have a second or casting vote.

Senate, com-  
position and  
powers of.

16. The members of the College Board and the president and professors of the various faculties of the said College shall constitute the Senate of the University of Victoria College, and shall have power and authority to confer the degree of bachelor, master and doctor, in the several faculties of arts, science, law, divinity and medicine, and shall have the management and supervision of such affairs of the University as shall from time to time be assigned them by the College Board.

President of  
college shall  
preside.

17. The President of the College shall call and preside at all the meetings of the Senate, and in his absence a chairman shall be chosen by the members present.

Majority shall  
decide.

18. All questions which may come before the Senate shall be decided by a majority of the members present, but in case of equality of votes the president or chairman shall have a second or casting vote.

## CAP. LXXX.

An Act to vest certain lands in the Village of Trenton  
in the Incorporated Synod of the Diocese of Ontario.*[Assented to 21st December, 1874.]*

**W**HEREAS the Incorporated Synod of the Diocese of Preamble.  
Ontario, and the incumbent and church-wardens of the Church in connection with the United Church of England and Ireland in Canada, in the Village of Trenton, in the County of Hastings, in the Province of Ontario, have represented by their Petition to the Legislature: That on the seventeenth day of February in the year of our Lord one thousand eight hundred and thirty-four, the Crown granted to certain persons five acres of land, being part of lot number two in the first concession of the Township of Murray in the County of Northumberland, in trust for the use and purpose of an Anglican Church and Parsonage in the said Township, which said lands may be further described as follows: All that parcel or tract of land situate in the said Township of Murray, containing by admeasurement five acres more or less, being the part of lot number two in the first concession of the said Township of Murray, commencing at a distance of nine chains eighty five links on a course north sixteen degrees west from the south-east angle of the said lot, being in the limit between lots numbers one and two on the northerly side of Dundas Street, thence south seventy-four degrees west, ten chains, then north sixteen degrees west, five chains, then north seventy-four degrees east, ten chains more or less to the limit between lots numbers one and two, then south sixteen degrees east, five chains more or less to the place of beginning; that these lands at the date of the said patent from the Crown lay within the territorial area of an unincorporated village then existing at the mouth of the River Trent, and known at that time and for many years afterwards by the various names of "The Trent," "River Trent," and "Port Trent,"; that on or about the year 1852 the said village was incorporated under the name of Trenton, and became detached from said Township of Murray (which is in the Diocese of Toronto), and together with the said five acres became attached to and part of the said County of Hastings (which is in the Diocese of Ontario); and the said lands have therefore since the said patent from the Crown been in the Village of Trenton, either under its old names or under its present one, and in that part of the same called West Trenton; that the said letters patent were applied for and obtained by the then Church of England Missionary at the said village, then called Port Trent, expressly for the use of an Anglican Church and Parsonage in the said village, but inasmuch as the said village in the year one thousand eight hundred and thirty-four had no corporate name or legal existence, the said lands were in the  
said



said letters patent stated to be for a Church and Parsonage in the said Township of Murray; that in the year one thousand eight hundred and forty-eight the present incumbent was licensed by the proper authority in that behalf to "The Trent" and parts adjacent in the Townships of Murray and Sidney, and as the resident clergyman, he took and has ever since retained possession of the said lands, and from the year one thousand eight hundred and forty-eight to the year one thousand eight hundred and sixty-two did duty in the Township of Murray; that in the year one thousand eight hundred and sixty-two the Synod of the Diocese of Ontario was incorporated by the Legislature of the then Province of Canada, and embraced within its diocesan limits the County of Hastings, including the said Parish of Trenton, and the Reverend Canon Bleasdel was again licensed by the Bishop of Ontario to Trenton and certain parts adjacent, and has from such time done duty there, and the said church is still largely used by the people residing in the said Township of Murray; that from the year one thousand eight hundred and forty-eight many and great improvements have been made on the said lands by the said incumbent and his parishioners, a brick parsonage having been built, an orchard planted, and other valuable improvements made; that the said lands having become very valuable it was deemed advisable that a portion thereof should be sold for the benefit of the said Church and parsonage, and the same was laid off into village lots for that purpose; that by the said Act it was provided that certain lands held for the benefit of certain churches, parsonages, and parishes in the said Diocese should be vested in the said Incorporated Synod, and under the belief that the said lands mentioned in said Letters Patent were so vested, the said incumbent and church-wardens petitioned and obtained the consent of the said Synod to sell two acres of the said lands, and in July last past the said two acres were sold in lots to various purchasers at advantageous prices; that doubts have been raised whether the said lands now are or can be legally vested in the said Incorporated Synod under the provisions of the said Act, so as to enable the said Incorporated Synod to hold, sell or convey them, and it is desirable that these doubts should be set at rest, and the title to the said lands be vested in the said Incorporated Synod, so that the said sales heretofore made may be confirmed, and the remainder of the said lands be held by the said Synod for the use and benefit of the said church and parsonage, and of the present incumbent or of any future incumbent thereof; but in the event of that part of the said parish lying in West Trenton being set apart as a separate parish, then for the use and benefit of the church and parsonage in such named parish, and of the present incumbent or of any future incumbent therefor; And whereas, the petitioners have prayed that an Act may be passed to vest the said lands in the said Incorporated Synod, in the manner and for the purposes aforesaid; And whereas it is expedient to grant the prayer of the said petition:

Therefore



Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said lands and premises hereinbefore described with all their rights and appurtenances are hereby vested in the Incorporated Synod of the Diocese of Ontario, upon trust to hold the same to and for the use and benefit of the Church and Parsonage in connection with the United Church of England and Ireland, now erected and established in the said Village of Trenton, and of the present incumbent or of any future incumbent thereof, or for the use and benefit of either the said Church or the said Parsonage, according to the discretion of the said Synod at any time, or from time to time exercised.

Certain lands  
vested in the  
Synod.

2. The sales made of the said village lots, comprising about two acres of said lands, on the sixteenth day of July last are hereby confirmed, and the said Synod is hereby authorized and required to convey the said lots by deed to the purchasers thereof, upon the latter fulfilling all requirements and conditions on their part to be fulfilled.

Certain sales  
confirmed.

3. The said Synod is hereby authorized with the consent in writing of the incumbent and church-wardens, for the time being, of the said church at Trenton aforesaid, but not required, to sell, alien, transfer and convey, the remainder of the said lands in such way, and for such sum or sums as may from time to time seem most desirable.

Power to sell  
lands.

4. The said Synod shall hold the moneys, mortgages and securities arising from the sale of the said village lots, or from any future sale of any part of the said lands, and the remainder of the said lands, and any moneys arising therefrom in any way, in trust, and for the use and benefit of the said Church and Parsonage at Trenton aforesaid, and of the present incumbent or of any future incumbent thereof, or either for the said Church or said Parsonage in the discretion of said Synod, until such time as that part of the Village of Trenton called West Trenton shall be set apart by the proper authority in that behalf as, and be formed into a separate parish, of the Church of England, either by itself or in connection with any adjacent locality.

Trusts upon  
which the  
proceeds of  
sale of lands  
are to be held

5. Upon the happening of such event, all moneys, mortgages and securities arising from any sale of the said parcel of land or any part thereof which has already or may hereafter be made, and all such remaining portion of the said parcel of land as may at such time remain unsold shall be held by said Synod for the use of the Church and Parsonage which may at such time be, or be about to be, erected, built or established as and for a Church and Parsonage in connection with the united Church of England and Ireland, in that part of the Village of Trenton called West Trenton,

Application of  
the moneys  
when West  
Trenton is  
formed into a  
separate  
parish.

Trenton, or either for the benefit of the said Church or the said Parsonage, in the discretion of the said Synod, whether the parish so to be established shall consist solely of West Trenton, or of West Trenton in connection with any adjacent locality, and the said Synod shall have the same power as to the sale and disposal of any lands so held in trust for such new parish, (but by the consent in writing of the incumbent and church-wardens of the same) as is given to the said Synod by section three of this Act.

Purchasers need not see to the application of the purchase money.

6. No person or persons, body or bodies corporate, who have purchased or shall purchase the said lands, or any part thereof, shall be in any way bound to see to the application, or be answerable for the non-application of the said purchase money or any part thereof.

Act to bind Her Majesty and others.

7. This Act shall be binding upon Her Majesty, her heirs and successors, and upon the persons named as trustees in said Letters Patent, and all persons claiming any benefit whatever thereunder, including the Incorporated Synod of the Diocese of Toronto.

## CAP. LXXXI.

An Act to amend the Act passed in the twenty-second year of the reign of Her Majesty Queen Victoria, and chaptered one hundred and twenty-seven, respecting the first Parsonage or Rectory within the Township of Drummond.

[Assented to 21st December, 1874.]

Preamble.

WHEREAS the Rector and Churchwardens of the First Parsonage or Rectory within the Township of Drummond, in the County of Lanark, have by their petition prayed for certain amendments to the Act chaptered one hundred and twenty-seven, passed in the twenty-second year of the reign of Her Majesty Queen Victoria, and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

22 V., c. 127,  
s. 1, amended.

1. The said recited Act is hereby amended by inserting after the word "Church," in the twelfth line of the first section thereof, the words, "or of building or repairing a rectory-house in connexion therewith."

Name.

2. The said First Parsonage or Rectory within the Township of Drummond, in the County of Lanark, shall be known as "The Rectory of Saint James Church, Perth."

CAP

## CAP. LXXXII.

An Act to amend an Act relating to Trinity Church,  
Cornwall.

[Assented to 21st December, 1874.]

**W**HEREAS the Rector and Church-wardens of Trinity Church, Cornwall have by their petition represented, that the sum of six thousand dollars, which they borrowed under the authority of an Act passed in the session of the Legislature of the Province of Ontario, held in the thirty-seventh year of the Reign of Her Majesty Queen Victoria, chaptered ninety-four and intituled "An Act Relating to Trinity Church, Cornwall," is wholly inadequate for the purpose of completing the new church in course of erection on the church premises in the Town of Cornwall, and being authorized by a resolution of the vestry of said church, duly passed, have prayed that the said Act may be amended so as to enable them to borrow a further sum of five thousand dollars:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The first and second sections of the Act passed in the thirty-seventh year of the Reign of Her Majesty, chaptered ninety-four and intituled "An Act relating to Trinity Church, Cornwall," is hereby amended by striking out the word "six" in said sections and inserting in lieu thereof the word "eleven."

37 Vic. c. 94  
sections 1 & 2  
amended.

## CAP. LXXXIII.

An Act to enable the Incumbent and Church-wardens  
of St. John's Church, Iroquois, to mortgage certain  
lands.

[Assented to 21st December, 1874.]

**W**HEREAS the members of the Church of England constituting the congregation of St. John's Church in the Village of Iroquois, in the County of Dundas and Province of Ontario, are desirous of purchasing lots numbers seven, eight and nine, block "G," north side of Ford Street in the said Village of Iroquois, as a site for a parsonage for the benefit of the said Church, and wish to have the title to the same for the time being vested in the Reverend William Banfield Carey, Incumbent of St. John's Church in the Village of Iroquois, and Cyrus Mason Mills and Arthur Patton, Church-wardens of the said Church, in trust to mortgage the same for the purpose of raising money to pay for the same and to build a parsonage thereon

thereon, and after payment of such mortgage in trust to convey the same to the incorporated Synod of the diocese of Ontario, and in their successors in office as a Corporation under the Church Temporalities Act but in such a way as to enable them to mortgage the same; And whereas, doubts exist as to the powers of the said Incumbent and Church-wardens to mortgage lands vested in them as such; And whereas, the Reverend William Banfield Carey, Incumbent, and Cyrus Mason Mills and Arthur Patton, Church-wardens of the said Church, in pursuance of a resolution passed at a special vestry meeting duly convened and held on the twelfth day of October, one thousand eight hundred and seventy-four, have petitioned for an Act to enable them to take a deed for the said lots and to mortgage and convey the same; and it is desirable to grant the prayer of the petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to purchase and mortgage for the purchase money.

1. The said Incumbent and the Church-wardens of the aforesaid Church and the survivor of them as such trustees shall have power to take a conveyance of the said lots, and to mortgage the said lots to secure any unpaid balance of the purchase money thereof; and when the walls of the parsonage house which the aforesaid congregation propose to erect on the said lots or on any of them, are built, they, the said trustees, having been first authorized by a resolution of the vestry shall have power to mortgage a second time the said lots and erections thereon, and on said mortgage to borrow a sum of money not exceeding one thousand dollars at such rate of interest as may be agreed upon, the said sum to be expended in completing said parsonage.

Power to borrow.

2. The said parties shall have power to borrow the said sum from any person or corporation as to them may seem fit.

Power to mortgage for certain purposes.

3. It shall be lawful for the said trustees, having been first authorized by a resolution of the vestry of said Church, should occasion require, from time to time and at all times hereafter to make new and further mortgages for the purpose of paying off any mortgage or mortgages then in existence upon the same property or any part thereof, upon such terms and at such times as the said trustees shall deem proper; provided that the whole mortgage debt upon the said property shall not exceed at any one time the principal sum of one thousand dollars.

Proviso.

Mortgagee advancing money not bound to see to its application.

4. Any mortgagee or mortgagees advancing money upon the security of a mortgage upon the said premises shall not be bound to see to its application by the borrowers.

On payment of the mortgage the property to be conveyed to Synod of Ontario.

5. When said mortgages shall be paid off the property above described shall be conveyed by said trustees within ten years to the incorporated Synod of the diocese of Ontario.

CAP.



## CAP. LXXXIV.

An Act relating to St James Church, Orillia, and certain lands belonging thereto.

[Assented to 21st December, 1874.]

**W**HEREAS under and by virtue of Letters Patent under Preamble. the great seal of the late Province of Canada, bearing date the sixteenth day of July, in the year of our Lord one thousand eight hundred and fifty-seven, in consideration of the sum of one hundred pounds then paid to the Crown, lots numbers six, seven, and eight on the south side of Neywash Street, in the Town of Orillia, in the County of Simcoe, were granted unto the Reverend Thomas B. Reid, rector, and George Hollen, and George Hunter, churchwardens of St. James Church, in the said Town of Orillia, and their successors forever for the use and benefit of the said church, and congregation: And whereas, under such letters patent it was assumed and understood that the rector and churchwardens of the said Church, for the time being, had power to sell and to convey the said lands absolutely, and acting under such assumed authority, in the year of our Lord one thousand eight hundred and seventy-three, the Reverend Alexander Stewart then being the rector, and George Henry Corbett and Frank Evans then being the churchwardens of the said Church, sold the north half of the said lot number six on the south side of Neywash Street, in the said Town of Orillia, to one Kate Isabell Moffatt of the said town, and by a deed then executed, bearing date the twentieth day of March, in the year of our Lord one thousand eight hundred and seventy-three, they assumed and intended to convey the same to the said Kate Isabell Moffatt, her heirs and assigns forever, and they sold the south half of said lot number six on the south side of Neywash Street in the said Town of Orillia, to one John Fox of the said town, and by a deed then executed bearing date the twenty-eighth day of May, in the year of our Lord one thousand eight hundred and seventy-three, they assumed and intended to convey the same to the said John Fox his heirs and assigns forever: And whereas, the vestry of the said church have entered into engagements and obligations for the erection of a rectory or parsonage, for the use from time to time of the rector of the said church, and they are indebted to various persons by reason of such engagements and obligations, and the rector and churchwardens for the time being have been authorized by the said vestry, and requested to raise money by way of loan to be secured by a mortgage upon the lands aforesaid remaining unsold, for the purpose of paying off and discharging the said engagements, and obligations: And whereas, the said rector and churchwardens have petitioned for an Act to confirm the said deeds or conveyances to the said Kate Isabell Moffatt, and

and John Fox respectively, and to enable them, the said rector and churchwardens, to mortgage said lands remaining unsold for the purpose aforesaid; and it is desirable to grant the prayer of the said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

**Incorporation.** 1. The rector and churchwardens of the said church, and their successors as such shall be and they are hereby constituted a body politic and corporate by the name of "The Rector and Churchwardens of St. James Church, Orillia," and shall have all the rights and powers vested in corporations generally by "The Interpretation Act," and required to carry into effect this Act.

**Conveyance to K. I. Moffatt confirmed.** 2. The said above recited sale to the said Kate Isabell Moffatt, and the said deed or conveyance, by the rector and churchwardens for the time being, to the said Kate Isabell Moffatt shall be, and the same is, and is hereby declared to be as valid and effectual to pass to the said Kate Isabell Moffatt, her heirs and assigns the said lands therein mentioned and described as if the said rector and churchwardens who executed the said deed or conveyance had full power and authority to sell and convey the said lands.

**Conveyance to J. Fox confirmed.** 3. The said above recited sale to the said John Fox, and the deed or conveyance by the rector and churchwardens for the time being to the said John Fox shall be, and the same is, and is hereby declared to be as valid and effectual to pass to the said John Fox, his heirs and assigns, the said lands therein mentioned and described as if the said rector and churchwardens who executed the said deed or conveyance had full power and authority to sell and convey the said lands.

**Authority to mortgage certain lands** 4. The said "the rector and churchwardens of St. James Church, Orillia," (hereinafter called the said corporation) and their successors as such, shall have power in their corporate name to mortgage the said lots numbers seven and eight on the south side of Neywash street, in the said town of Orillia, or a portion thereof, together with any buildings now or hereafter to be erected on the same, and on said mortgage to borrow a sum of money not exceeding the sum of two thousand five hundred dollars for the purpose of paying off and discharging the engagements and obligations aforesaid, and to secure the repayment of the said moneys with interest at such rate and at such time or times as may be agreed upon, but neither the said rector nor churchwardens nor their successors shall be personally liable upon or in respect of such mortgage.

**and pay off mortgage by new mortgage.** 5. It shall be lawful for the said corporation from time to time, and at all times hereafter to make new and further mortgages

gages for the purpose of paying off the said mortgage or any mortgage or mortgages then in existence upon the said lands and premises or any part thereof, upon such terms and at such times as the said corporation shall deem proper, or to sell the said lands and premises or any part thereof: Provided that the whole principal sum of the said mortgage debt shall not exceed at one time the sum of two thousand and five hundred dollars.

6. Any mortgagee or mortgagees advancing moneys upon the security of any such mortgage shall not be bound to see to its application by the borrowers.

Mortgagees need not see to the application of the money.

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## CAP. LXXXV.

### An Act relating to Christ's Church, Hamilton.

[Assented to 21st December, 1874.]

**W**HEREAS lots numbers eighteen, nineteen and twenty on the east side of James Street between Lind and Barton Streets in James Hughson's survey in the City of Hamilton, in the County of Wentworth, in the Province of Ontario, are vested in the Lord Bishop of Toronto and his successors forever upon trust, as a site for a church of the United Church of England and Ireland; and lots numbers eighteen, nineteen and twenty on the west side of Hughson Street, between Lind and Barton Streets in said survey in the city aforesaid, adjoining the before-mentioned lots, are vested in the Reverend John Gamble Geddes, rector of Christ's Church, Hamilton, for the like purposes; And whereas, the Lord Bishop of Toronto, the Reverend John Gamble Geddes, rector of said Church, Henry V. Villiers and James M. Lottridge, churchwardens of the same in pursuance of a resolution passed at a special vestry meeting have petitioned for an Act to vest in the rector and churchwardens of said Christ's Church and their successors in office the above mentioned six lots for the like purposes and uses as those upon which the first mentioned lots are now held by the said Bishop, and to enable them to mortgage said premises for the purpose of raising a sum or sums sufficient to complete the rebuilding and furnishing of said church now being prosecuted, and it is desirable to grant the prayer of the said petition:

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Lots, numbers eighteen, nineteen and twenty on the east side of James Street, and lots numbers eighteen, nineteen and twenty on the west side of Hughson Street, all in James Hughson's

Certain lands vested in rector and churchwar-

dens of Christ's  
Church.

Hughson's survey between Lind and Barton Streets in the City of Hamilton, in the County of Wentworth and Province of Ontario, are hereby vested in the rector and churchwardens of Christ's Church in the City of Hamilton and their successors in office forever, for the use of the congregation of Christ's Church in the City of Hamilton, for church purposes.

Power to  
mortgage for  
certain pur-  
poses.

2. The rector and churchwardens of the aforesaid church and their successors as such shall have power in their own names as such rector and churchwardens to mortgage the said lands so hereby vested in them as aforesaid or a portion thereof, and the church now being rebuilt thereon and the school house thereon; and on the security of such mortgage or any subsequent mortgage to borrow such sum or sums of money as they may think necessary for the purpose of completing the rebuilding of said church now in progress and furnishing the same; and for securing to the Trust and Loan Company of Canada any sum or sums they may have advanced to the said rector and churchwardens for such rebuilding; and for laying down walks and approaches to said church; and for fencing said lands; and to secure the repayment thereof with interest at such rate and for such time or times as has been or may be agreed upon.

Power to  
mortgage for  
any advances  
on resolution.

3. It shall be lawful for the said rector and churchwardens and their successors as such, having been first authorized by a resolution of the vestry of said church, from time to time and as so requested by such resolution as aforesaid, to make other and further mortgages for the purpose of paying off any mortgage or mortgages then in existence upon the same property or any part thereof, or obtaining such further advances thereon, as the said vestry may by resolution authorize, upon such terms and at such times as the said rector and churchwardens and their successors may deem proper.

## CAP. LXXXVI.

An Act to amend the Act passed by the Legislature of Ontario in the thirty-first year of Her Majesty's reign and intituled "An Act to incorporate the Temporal Committee of St. Andrew's Church in the City of Ottawa in connection with the Church of Scotland, and to vest certain property in the said Temporal Committee.

[Assented to 21st December, 1874.]

Preamble.

WHEREAS the Temporal Committee of St. Andrew's Church in the City of Ottawa in connection with the Church of Scotland have by their petition represented that the



they desire certain amendments to their Act of incorporation being the Act passed by the Legislature of Ontario in the thirty-first year of Her Majesty's reign, intituled "An Act to incorporate the Temporal Committee of St. Andrew's Church in the City of Ottawa in connection with the Church of Scotland, and to vest certain property in the said Temporal Committee," and that it is necessary to obtain further powers to enable them by the issuing of debentures, the sale or mortgaging of part of the church property and otherwise, to consolidate and pay off the indebtedness of the church property now vested in them and to raise further moneys to complete the building of the new church recently erected by the said congregation and to carry out other required improvements; and that the said congregation in special meeting assembled have approved of the amendments and powers hereinafter set out, and have therefore prayed for the passing of an Act for effecting said amendments and granting said powers; and it is expedient to grant such prayer:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. That part of section five of the said Act of incorporation in the preamble mentioned which prohibits the alienating or mortgaging of lot letter H in concession C Rideau Front of the Township of Nepean in the County of Carleton, known as the Glebe Lot, is hereby repealed; and the said corporation are hereby empowered to lease, sell or mortgage the said lands and premises vested in them by the said Act of incorporation, or any part or parts of said lands or premises or of any thereof respectively, and to execute and deliver all such leases, deeds, conveyances, mortgages or other instruments as may be required or deemed necessary for effectuating any such lease, sale or mortgage; the proceeds derived from said lands and premises or any lease, sale or mortgage thereof, or of any part thereof to be applied to the completing the church recently erected by the said congregation, improving the church grounds, building a fence round the same and keeping and maintaining the said church and fence and grounds and any other property belonging to the said corporation requiring repairs from time to time, in efficient and good condition; and also to the consolidating and paying off the indebtedness incurred in the construction of the said church and the purchase of ground and improvements made by the said corporation; and also to liquidating from time to time in the manner the said corporation may deem best, the general indebtedness of the said corporation or congregation, and also to and for such other uses and purposes as are mentioned and provided for by said Act; Provided always, that the said corporation shall not be authorized or empowered to lease or sell, but only to mortgage the said church recently erected by said congregation, and the land on which it stands, nor shall they be empowered

31 Vic. c. 61,  
s. 5 repealed.

Power to sell  
&c. certain  
lands.

Application of  
proceeds.

Proviso.

ed

ed to lease, sell or mortgage the burying ground mentioned in said Act or any part thereof.

Assent of  
pewholders.

Evidence of  
authority

2. Such leases, sales or mortgages only, made by the said corporation, shall be valid as shall be first authorized by by-law passed by the said corporation and ratified by the majority of the proprietors or lessees of pews or half pews of at least one year's standing and not in arrears for rent, present at any annual or special meeting of the said congregation; and notwithstanding any thing in said Act of Incorporation contained such authority shall in all cases be sufficient; and a certificate under the hand of the chairman of the meeting annexed to any lease, deed, conveyance or mortgage required to effectuate any such lease, sale or mortgage to the effect that the lease, deed, conveyance or mortgage thereto annexed has been duly authorized by the said congregation in meeting assembled, shall be sufficient evidence of the said lease, deed, conveyance or mortgage having been duly authorized; and no mere want of form in the calling of or proceedings at any such meeting or in any such by-law or certificate shall invalidate or render void or voidable any such lease, deed, conveyance or mortgage.

31 V. c. 61,  
s. 4 amended

Se or lease  
of pews.

3. Section four of the said Act of incorporation is hereby amended by striking out the proviso therein which is as follows: "Provided always, that the said corporation shall lease, such lands and premises and sell or lease such pews upon such terms and conditions and at such rent, and such only as shall be settled and appointed at meetings of the congregation to be holden as hereinafter appointed or as shall be laid down in by-laws made at such meeting," and by substituting therefor the following: "Provided always, that the said corporation shall sell or lease such pews upon such terms and conditions and at such rent and such only as shall be settled and laid down in by-laws made by the said corporations and ratified as provided for by section nine of this Act."

Section 8  
amended.

Rent of pews.

4. Section eight of the said Act of incorporation is hereby repealed and the following substituted therefor:

8. The rent charge to be paid by proprietors of pews and the rent to be paid by lessees of pews or parts of pews shall be regulated from time to time by by-laws made by the said corporation and ratified as provided for by section nine of this Act.

Office of  
Secretary and  
Treasurer

5. At any election or appointment of officers mentioned and provided for by section seventeen of the said Act of incorporation the same person may be chosen to fill both the offices of secretary and treasurer.

Issue of  
debentures.

6. The said corporation are hereby authorized and empowered from time to time to execute and issue debentures in current money of Canada to such an amount, in such sums not less

less than fifty dollars each, at such rate of interest and time and place of payment of interest, and redeemable at such times and places as may be determined by any by-law or by-laws made by said corporation and ratified in the manner provided for by section nine of said Act of Incorporation: Provided always, that the total amount of debentures outstanding at any time shall not exceed thirty thousand dollars; And provided also, Proviso. that all debentures before being issued shall be registered by the said corporation in a book kept for that purpose, which book shall at all reasonable times be open for inspection by any holders of any such debentures; and the money to be raised by the issue of the said debentures shall be applied to the purposes Application of proceeds. mentioned in the first section of this Act; and all debentures Form of debentures. issued shall be signed by the president and treasurer and be under the seal of said corporation.

7. The debentures so issued as aforesaid shall without registration or formal conveyance, but upon registration of the by-law or by-laws mentioned in the next preceding section be taken and considered to be a charge upon such part or parts of lot letter H in concession C Rideau front of the Township of Nepean (excepting the Ordnance Reserve) as may not have been sold by the said corporation at the time of issuing the said debentures, and as may be specified in the by-law regulating the issuing of the said debentures; and each holder of any of the said debentures shall be deemed to be a mortgagee and encumbrancer *pro rata* with the other holders thereof upon the said part or parts of said lot, but the said debentures shall be subsequent incumbrances to any mortgages of the said lot or any part thereof made prior to the issuing of the said debentures and shall also be subject to the rights of the lessees of the said property or any part thereof holding under the leases made prior to the issuing of the said debentures. Debentures to be a charge on lot H.

8. If the said corporation deem it advisable they may lay by Sinking fund. and invest safely such sum yearly as may be required to form a sinking fund sufficient to pay off the principal of the said debentures as it becomes due.

9. No person advancing money on the debentures or mortgages authorized by this Act, and no purchaser from the said corporation shall be in any way bound to see to the application of the money advanced or paid. Lenders need not see to the application of the money.

10. Nothing in this Act or in the said Act of incorporation contained shall interfere with the rights of any lessees or mortgagees under leases or mortgages heretofore executed of the said lands and premises vested in the said corporation or of any part of said lands and premises; but the said corporation if they deem it advisable may acquire and buy in and take a surrender of any unexpired term of any lease and upon such terms as may be agreed upon between the said corporation and any such lessee. Existing leases and mortgages.



## CAP. LXXXVII.

An Act further to amend the Act to incorporate the County of Carleton General Protestant Hospital, and to grant certain powers to the Directors thereof.

[Assented to 21st December, 1874.]

## Preamble.

**W**HEREAS the Directors of the County of Carleton General Protestant Hospital, have represented that for the purpose of paying off certain debts incurred in the erection of the buildings of the said Hospital, and for the purpose of finishing and furnishing the same, they are desirous of raising by way of loan to be secured by mortgage on the lands of the said Hospital or some part or parts thereof, a sum not exceeding eight thousand dollars; and also for the same purpose to sell lot number forty-one on the north side of Rideau Street in the City of Ottawa, being a part of such lands not required for the use of the said Hospital; and have prayed for the passing of an Act granting them the necessary powers so to do, and it is expedient to grant the prayer of their said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## Powers to borrow on Mortgage.

**1.** The Directors of the County of Carleton General Protestant Hospital may, and are hereby authorized and empowered to borrow from any person or persons, body or bodies politic or corporate, a sum or sums of money not exceeding in the whole the sum of eight thousand dollars, and for the purpose of securing the repayment thereof with such interest as may be agreed upon, to grant and convey by way of mortgage to the lender or lenders thereof the lands held by them the said Directors for the use and benefit of the said Hospital, or any part or parts thereof free from the uses and trusts for which the same are held by them.

## Power to sell lot 41 on north side Rideau Street.

**2.** The said Directors may, and they are hereby further authorized and empowered to sell, grant and convey to such person or persons, body or bodies politic or corporate for such price and on such terms and conditions as to them may seem advisable, lot number forty-one on the north side of Rideau Street in the City of Ottawa, being a part of the lands held by them the said Directors for the use and benefit of the said Hospital, free from such uses and trusts.

## Application of moneys borrowed.

**3.** Any moneys so borrowed or arising from such sales shall be laid out and expended by the said Directors in the payment of debts incurred in constructing the buildings of the said Hospital, and in finishing and furnishing the said buildings for the use and benefit of the said Hospital.



4. No person paying money to the said Directors in pursuance of this Act shall be held liable for the proper application thereof by such Directors.

Lenders need not see to the application of the money.

## CAP. LXXXVIII.

An Act to further amend the Act to incorporate the Ottawa Ladies' College.

[Assented to 21st December, 1874.]

**W**HEREAS the managers of the Ottawa Ladies' College have by their petition represented that they desire further to amend their Act of incorporation, being an Act passed by the Legislature of Ontario in the thirty-third year of Her Majesty's reign, intituled "An Act to incorporate the Ottawa Ladies' College," to empower them to increase the capital stock of said corporation; to make preferential stock; to forfeit shares on which calls may not be paid; to grant degrees, and otherwise to amend the said Act of incorporation; and that the said amendments will be greatly advantageous to the said institution, and will enable the petitioners to extend its usefulness; and have prayed that the said Act of incorporation should be amended accordingly, and it is expedient to grant such prayer:

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section twenty-one of the said Act of incorporation is hereby repealed and the following substituted therefor:

33 V., c. 54, s. 21, repealed

21. The managers if they see fit at any time after thirty thousand dollars of the capital stock may have been subscribed for, may make a by-law for increasing the capital stock to the amount of one hundred and fifty thousand dollars, and the said managers shall have power by such or any subsequent by-law to declare and make any number of the shares of such capital stock unsubscribed for at the time of making such or any subsequent by-law preferential stock, upon such terms and conditions and with such advantages to the subscribers and holders of such preferential stock over the capital stock subscribed for at the time of making such or any subsequent by-law, and with such provisions as to the manner in which any of said stock, preferential or otherwise, shall be allotted, or vesting the control of such allotment in the managers as the said managers shall see fit; or the said managers may be empowered by such by-law to sell or dispose of all or any part of the unsubscribed stock at such rate of premium or discount as shall approximate it in value to the market value of the capital stock

Power to increase stock.

To make preferential stock.

Unsubscribed stock.

Proviso.

stock subscribed for and paid up at the time of making such by-law; Provided, such by-law shall have no force or effect whatsoever until it shall have been sanctioned by a vote of not less than one-half in amount of all the stockholders at a general or special general meeting of the corporation duly called for the purpose of considering such by-law.

Forfeiture of unpaid stock.

2. If any call made upon any share or shares of the capital stock of the said corporation be not paid within such time as may be appointed by the managers in that behalf, the managers in their discretion by resolution to that effect reciting the facts, and the same being duly recorded in their minutes, may summarily forfeit any share or shares whereon such payment is not made, and the same shall thereupon become the property of the corporation, and may be disposed of as by by-law the said managers shall ordain.

33 V. c. 54, s. 1, amended.

3. Section one of the said Act of incorporation is hereby amended by striking out the word "and" in the twenty-sixth line thereof, and by inserting after the word "literature" in the said twenty-sixth line of the said section, the words "and art."

Section 5, amended.]

4. Section five of the said Act of incorporation is hereby amended by inserting after the word "science" in the sixth line of said section the words "and the arts."

Diplomas.

5. The College may grant to students under its charge diplomas or honorary testimonials in such form as it may designate.

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## CAP. LXXXIX.

An Act to vest certain lands in the Trustees of the Curtis Cemetery in St. Thomas.

[Assented to 21<sup>st</sup> December, 1874.]

Preamble.

WHEREAS the Rev. Thomas Baldwin, Pastor of the Baptist Church in St. Thomas, *ex officio* Trustee, the Rev. G. N. A. F. T. Dickson, Minister of the Wesleyan Methodist Church in St. Thomas, *ex officio* Trustee, the Rev. George Cuthbertson, Minister of the Presbyterian Church in St. Thomas, *ex officio* Trustee, Dr. George Southwick, of St. Thomas, Trustee, William Ross, of St. Thomas, Trustee, John McKay, of St. Thomas, Trustee, Andrew Miller, of Yarmouth, Trustee, Neil McIntyre, of Yarmouth, Trustee, and Archibald McIntyre, of St. Thomas, Trustee, being a majority of the trustees of the Burying Ground or Cemetery hereinafter described,

on

on the farm of the late James Thomas Curtis, being part of lot Number Two, in the Ninth Concession of the Township of Yarmouth, in the County of Elgin, Ontario, now within the Town of St. Thomas, have by their petition to the Legislature represented that the said cemetery hereinafter described, consisting of two acres and three perches of land, about thirty years ago was purchased from the said James Thomas Curtis, and paid for in full, as appears by the receipt for the purchase money given by the said James Thomas Curtis to Daniel Hanvey, Esquire, the Secretary of the said burying ground, or cemetery, that is annexed to the journal-book of proceedings of the said committee or trustees of said burying ground, also representing that for many years said burying ground has ceased to be used as a burying ground; And whereas, the said township lot, number two, of which the said burying ground or cemetery block is a part, was granted by the Crown to the said James Thomas Curtis many years ago, and the said two acres and three perches for burying ground, or cemetery, were purchased from the said James Thomas Curtis, with the proceeds of the subscriptions of the original lot holders by the then committee or trustees, without receiving from him a conveyance for the whole of the said burying ground lands, or cemetery; And whereas some of the lot holders received from said James Thomas Curtis conveyances for the burying ground lots they selected, some of which conveyances still exist, while a great many have been mislaid or lost and have not been registered, except the one hereinafter mentioned that contains a description of the whole of the said cemetery block: And whereas, no conveyance of the whole of said burying ground or cemetery block of two acres and three perches was made by the late James Thomas Curtis to the said committee or trustees, and no provision is made by Statute for such conveyance thereof; the said trustees in their petition to the Legislature prayed that the cemetery lands may be vested with them and their successors, and that they or a majority of them may be enabled to sell and convey the same, or any part thereof, and apply the net proceeds of such sale or sales for other cemetery lands and purposes, and it is desirable to grant the prayer of said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said cemetery block, at the north end of Pearl Street, in the Town of St Thomas, marked "Cemetery" on a plan of part of said township lot number two, in the ninth concession of Yarmouth, made by Daniel Hardy, Esquire, Provincial Land Surveyor, for the said late James Thomas Curtis, and deposited in the Registry Office, is described by metes and bounds in Registration number six thousand nine hundred and twenty-seven, memorial of a conveyance, dated fifth December, one thousand eight hundred and forty-three, and registered thirteenth day of August, one thousand eight hundred and forty-four, as follows:—

Cemetery land  
of St. Thomas  
vested in cer-  
tain trustees.

"The

Description of  
land

"The out-boundaries of the same are described as follows : that is to say, Commencing at a point in the centre of Pearl Street aforesaid, the centre of this street is found in manner as aforesaid, at the distance of one thousand one hundred and thirty feet from the south limit of Talbot Road aforesaid, then south eighty-seven degrees and forty minutes east, at right angles to the centre line of Pearl Street nine rods and seven feet, then north two degrees and twenty minutes, east seventeen rods, then north eighty-seven degrees and forty minutes west nineteen rods, then south two degrees and twenty minutes, west seventeen rods, than south eighty-seven degrees and forty minutes, east nine rods, nine feet and six inches to the centre of Pearl Street and place of beginning ; Pearl Street is fifty feet wide, and extends from the south limit of Talbot Road to the south limit of the said cemetery or burying-ground ; the said cemetery or burying-ground is surveyed and laid out into one hundred and twenty-six lots, each lot being one square rod, and also four other lots, designated on the said map or plan of the said survey, as lots letters A, B, C and D, each containing thirty square rods, namely, five rods east and west, and six rods north and south, together with eight streets, walks, or passages, two of said streets or walks being one rod wide each, and the remaining six being half a rod wide each ; the east limit of the principal street, walk, or passage, which is one rod wide, intersects the south limit of the said cemetery just seven feet east from the point where the centre line of Pearl Street intersects the said south limit of the said cemetery ; then producing the centre line of the said Pearl Street, at sixteen feet and a half to the south side of a street half a rod wide, and extends from the east to the west limit of the said burying-ground, at forty-one feet three inches, the north-west angle of lot number ninety-four, and the south-west angle of said lot, lettered B, seven feet to the east and the north-east angle of lot number ninety-five, and the south-east angle of said lot, letter A, nine feet and six inches to the west ; then at one hundred and forty feet three inches, the south limit of another street one rod wide and extending from the east limit until within one rod of the west limit of the burying ground at this point ; the north-east angle of lot letter A is nine feet six inches west, and the north-west angle of lot lettered B is seven feet to the east ; then at one hundred and fifty-six feet nine inches ; the south-west angle of lot lettered C is seven feet to the east, and the south-east angle of lot letter D is nine feet six inches to the west ; then at two hundred and fifty-five feet nine inches intersects another street or walk of half a rod wide, and extending from the east to the west limit of the said cemetery ; from this point the north-east angle of letter D is nine feet six inches to the west, and the north-west angle of lot letter C is seven feet to the east ; at two hundred and seventy-four feet intersects the south limit of lot number forty-two, one rod south of the north limit of the said burying ground, the west side of the said cemetery has one (tier or) row of lots of one rod in



in depth, then a street or walk of half a rod wide, then two tiers or rows of lots being two rods deep, then a street half a rod wide, then the west limit of lots letter A and D ; the two last mentioned streets or walks extend from the north limit of the south street to the south limit of the north street ; in like manner is the east end of the said cemetery surveyed, namely along the east limit is a tier of lots one rod deep, then a street of half a rod wide, then two tiers of lots each being one rod deep, then a street half a rod wide, then the east limit of lot letters B and C, on the south ends or along and adjoining the south ends of lots A and B are a tier of lots a rod deep and fronting on the north side of the south street or walk :” Notwithstanding any conveyances for any of the burying ground lots in said cemetery, heretofore made by the said James Thomas Curtis, the whole of the said burying ground or cemetery including the walks and allowances for walks therein, shall be now vested in the committee or trustees aforesaid, namely : The Rev. Thomas Baldwin, pastor of the Baptist Church in St. Thomas, *ex officio* trustee, the Rev. G. N. A. F. T. Dickson, minister of the Wesleyan Methodist Church in St. Thomas, *ex officio* trustee, the Rev. George Cuthbertson, minister of the Presbyterian Church in St. Thomas, *ex officio* trustee, Dr. George Southwick of St. Thomas, trustee, William Ross of St. Thomas, trustee, John McKay of St. Thomas, trustee, Andrew Miller of Yarmouth, trustee, Neil McIntyre of Yarmouth, trustee, Archibald McIntyre of St. Thomas, trustee ; trustees as hereinbefore mentioned, or their successors and assigns, for all the estate and interest that it was intended should be conveyed by the said James Thomas Curtis, when the said lands were purchased from him at fifty dollars an acre by the committee of the burying ground, and paid for to him on the fifth day of December, in the year of our Lord one thousand eight hundred and forty-three ; the said trustees or their successors or majority of them may exchange said lands for other lands, or sell, convey and dispose of the same including the walks and allowances for walks therein, either at private sale or public auction, with power to buy in at such auction and to re-sell in such manner as to them may seem fit.

2. The vendors shall apply the net proceeds of such sale or sales as follows, namely by refunding, if required to do so, within two years after the passing of this Act to any lot-holder or the person now entitled to the same on proof that is satisfactory to them that such applicant is the person entitled to the same, double the amount originally paid by the claimant for his or her cemetery lot ; and the net residue thereafter shall be applied for other cemetery lands and purposes ; the said vendors shall not be required to give in their conveyances any other title than what is invested in them by this Act ; the purchaser or purchasers shall not be liable to see to the application of the purchase money : Nothing in this Act contained shall be construed to affect the rights of any other person or persons in respect of the said lands.

Application of  
proceeds of  
sale.

Title.

Removal of  
bodies to St  
Thomas Ce-  
metery.

3. Provided always, that the said trustees are hereby required before carrying out any sale of said Cemetery Lot, or of any portion of it to remove therefrom the remains of all bodies buried therein, and the same at their costs and charges to re-inter in the ground of the St. Thomas Cemetery Company.

## CAP. XC.

An Act to amend the Act incorporating the Trustees of The Toronto General Burying Grounds, and to enable the said Corporation to remove the remains of the dead now interred in the Potters' Field, and to sell the same after the removal of such remains.

[Assented to 21st December, 1874.]

Preamble.

WHEREAS the Trustees of the Toronto General Burying Grounds have by their petition set forth, that by an Act of the then Province of Canada, passed in the eighteenth year of the reign of Her present Majesty, Queen Victoria, chaptered one hundred and forty-six, the then Toronto General Burying Ground, otherwise known as Potters' Field, in the Village of Yorkville, was closed, and no interments have taken place therein for about the period of twenty years; And whereas, in pursuance of the same Act, the then trustees, or the trustees for the time being, in whom the said Toronto General Burying Ground, otherwise known as Potters' Field, should be vested, were authorized and empowered to demise or to sell and convey to any person or persons who might agree to lease or to purchase the same, all that portion of the then Toronto General Burying Ground (otherwise known as Potters' Field aforesaid), then vested in the said trustees, in which there were no graves, or from which the relations and friends of the dead buried therein, or the trustees with the consent of the said relations and friends, should remove the said bodies; And whereas, all the powers and privileges granted to the said trustees of the Toronto General Burying Ground were, by an Act of the Province of Ontario passed in the thirty-fourth year of the reign of Her present Majesty, Queen Victoria, and chaptered ninety-five, granted to and vested in the corporation thereby constituted by the name of "The Trustees of the Toronto General Burying Grounds;" And whereas, there are now remaining interred in that portion of The Toronto General Burying Ground property, in respect of which the hereinbefore recited powers were given (known as Potters' Field aforesaid), the remains of many whose relatives and friends have neither removed of their own accord, nor authorized the removal by the said trustees, or by the said corporation, or whose relatives and friends cannot be found;

And

And whereas, by reason of the great increase in extent and population of the City of Toronto, and of the said Village of Yorkville adjacent thereto, within which the said Burying Ground is situate, the said Burying Ground stands in the way of and prevents the growth and extension of the said village of Yorkville; And whereas, in order to the proper and effectual carrying out of the power to sell granted by the hereinbefore recited Act, and in order to enable the said corporation to acquire and pay for the lands which by various Acts they have been authorized to acquire, for the proper carrying out of the purposes of the said corporation, it is necessary to confer upon the said corporation the power, after notice as hereinafter set forth, of their own accord to remove all the remains of the dead now interred in the said Potters' Field, and to sell the whole of the same after the removal of such remains; And whereas, it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said corporation, the trustees of the Toronto General Burying Grounds, shall have full power and authority forthwith, after giving notice as hereinafter required, to remove of their own accord and without any further notice to the friends or relatives of the dead, all the remains of the dead now interred in that portion of the property of the said corporation situate in the Village of Yorkville, and known as Potters' Field, from the said place of interment to the Toronto Necropolis and the said remains of the dead so removed, in pursuance of the powers in this section granted, shall be reinterred by and at the expense of the said corporation, in the said Toronto Necropolis, in burial places on lots corresponding in size as nearly as may be with those from which such remains shall have been removed.

Remains of the dead may be removed from the Potters' Field to the Necropolis.

2. The said corporation before removing the remains of the dead as in the last preceding section authorized, shall during the period of six months publish a notice once a week in the *Ontario Gazette* and in one newspaper published in the city of Toronto, which said notice shall set forth the powers in the said last preceding section granted, and that parties owning burial lots in that portion of the said Potters' Field from which the remains of the dead are hereby authorized to be removed, upon removing the said remains to the Toronto Necropolis will receive conveyances of burial lots in the said Toronto Necropolis corresponding in size as nearly as may be with those lots from which the remains of the dead shall have been so removed; and the said corporation shall upon request convey to any parties now owning burial lots in that portion of the said Potters' Field from which the remains of the dead are hereby authorized to be removed, lots corresponding in size as nearly as may be in the said Toronto Necropolis.

Notice of removal of the remains of the dead;

and of conveyance of lots in the Necropolis.

Power to lease  
and sell the  
Potters' Field.

3. After the removal of the remains of the dead as aforesaid the said corporation shall have power to lease for any term of years or to sell and convey in fee simple or for any lesser estate the whole of the said parcel of lands known as the Potters' Field aforesaid either together or in parcels in such manner, for such prices, and upon such terms and conditions as may be deemed best by the said corporation; and the said corporation may lease or sell and convey as aforesaid the said lands free and discharged of and from all right, title, interest, claim and demand of such person (if any) as may have purchased lots for burial purposes in the said Potters' Field; and the lots to be conveyed to such persons (if any) in the said Toronto Necropolis are to be accepted by the said persons (if any) in lieu of the lots purchased by them for burial purposes in Potters' Field aforesaid, and in lieu of all right, title, claim, interest or demand they may have in respect thereof.

Formalities  
requisite to  
enable corpo-  
ration to ac-  
quire cemetery  
lands.

4. No conditions or formalities, other than those mentioned in the Act incorporating the said The Trustees of the Toronto General Burying Grounds, shall be necessary in order to enable the said corporation to acquire, hold and use for the purposes of a cemetery the lands authorized to be acquired under the said Act of incorporation.

## CAP. XCI.

An Act to vest in and to enable Cairra Robbins Wilkes, the wife of George Samuel Wilkes, to convey and dispose of certain real and personal estate and property, devised to her by her late father.

[Assented to 21st December, 1874.]

Preamble.

WHEREAS the said Cairra Robbins Wilkes has by her petition set forth that she, before her marriage with her said husband, George Samuel Wilkes, held certain real and personal estate and property devised and bequeathed to her by the will of her late father; and that before their marriage which took place in the year one thousand eight hundred and forty-three, she conveyed her estate and interest in the said property both real and personal to Maria Wilkins and John Mittleberger as trustees to the sole and separate use of herself for life, and afterwards to the use of the issue of their marriage, and in the event of their having no such issue then to herself absolutely in fee simple; and also setting forth that there had been no issue of such marriage although the said parties had been married thirty-one years and had lived together as man and wife during a period of twenty-seven years, and up to the year one thousand



sand eight hundred and sixty-nine, since when the said George Samuel Wilkes has resided separate and apart from the said Cairra Robbins Wilkes, and in the City of New York, he having left his said wife and Canada, and that the said Cairra Robbins Wilkes is of the full age of fifty-three years; and praying that she the said Cairra Robbins Wilkes might have the full power of disposing of the said real and personal estate and property; And whereas by an Act passed by the late Parliament of Canada in the session held in the fourteenth and fifteenth years of the reign of Queen Victoria, it was enacted that it should and might be lawful for the Judge of the County Court of the United Counties of Wentworth and Halton, and he was thereby required upon the petition of the said Cairra Robbins Wilkes, to appoint a trustee in addition to the number provided by the said settlement, in whom and the said other trustees and their successors to be appointed as provided by the said settlement, the said property both real and personal should be vested upon the trusts mentioned in the said settlement and Act; And whereas the said Maria Wilkins on the thirtieth day of August one thousand eight hundred and fifty-one, with the consent of the said Cairra Robbins Wilkes, appointed Miles O'Reilly to be a trustee under the said settlement and Act of Parliament in the place and stead of the said John Mittleberger, deceased; And whereas Miles O'Reilly, Judge of the County Court of the United Counties of Wentworth and Halton, on the third day of January one thousand eight hundred and fifty-two in compliance with the petition of the said Cairra Robbins Wilkes, appointed Samuel B. Freeman, since deceased, a trustee in addition to the number appointed by the said settlement, according to the terms of the said Act in that behalf; And whereas there has been no issue of such marriage and the possibility thereof is extinct, and the contingency which alone prevented the said Cairra Robbins Wilkes from the absolute and uncontrolled enjoyment of the property in question has ceased to exist; And whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. All the real and personal estate and property including lands, agreements, mortgages, bonds, debts, moneys, securities and other assets of what nature or kind the same may be, now at the time of the passing of this Act in the hands of the said Maria Wilkins and Miles O'Reilly, as trustees for the said Cairra Robbins Wilkes or any of them or outstanding in the hands of others, is hereby vested in the said Cairra Robbins Wilkes, her heirs, executors, administrators and assigns, for her sole and only use, benefit and behoof, free from the interest or control of any person or persons whomsoever, with power for her to take and receive the same and every part thereof and contract and to bring actions at law or suits in equity in respect of,

Certain trust-  
estates vested  
in Cairra  
Robbins  
Wilkes.

Repeal of Act  
of 14 & 15 Vic.

of, or to convey, devise, charge, assign, appoint, transfer, lease and invest the same or any part thereof, and to re-convey and give receipts and discharges touching the same, and generally to deal with the same without the control or concurrence of any person or persons whomsoever as if she were a *feme sole*, with the same powers of contracting, selling, conveying, leasing and in every other way dealing with the said estate as if she were a *feme sole*: The intention of this Act being to vest all of the said estate and property, and the same is hereby vested in the said Cairn Robbins Wilkes absolutely free from the control of any person, as if she were a *feme sole*, any law usage or statute to the contrary notwithstanding, subject only to the claim of the said Maria Wilkins under the will of the said Richard Wilkins: And the said Act passed by the late Parliament of Canada, in the session held in the fourteenth and fifteenth year of the reign of Her Majesty Queen Victoria, is hereby repealed, and every Act, matter or thing had and done in conformity with the provisions of the said last mentioned Act is hereby confirmed: Provided nevertheless, that the individual rights of the said trustees and of any of them, and of persons who have dealt with them as such trustees, or with the said estate shall not be prejudiced by this Act but all such rights are hereby expressly reserved.

## CAP. XCII.

An Act to authorize the Courts of Queen's Bench' Common Pleas and Chancery for Ontario, to admit Francis Elkington, to practise as an Attorney and Solicitor therein.

[Assented to 21st December, 1874.]

Preamble.

WHEREAS Francis Elkington, the younger, of the city of Kingston, has by his petition set forth, that in the year one thousand eight hundred and fifty-nine, he was duly admitted an Attorney of Her Majesty's Courts of Queen's Bench, Common Pleas and Exchequer at Westminster, and a Solicitor of the High Court of Chancery of England; that for several years thereafter, he practised as such Attorney and Solicitor in England; that about ten years ago, he emigrated to this country and has ever since, and during all that time resided in the County of Frontenac; that during the past twelve months he has been engaged in the office of an Attorney and Solicitor of this Province, acquiring a knowledge of the laws thereof, and of the practice of its Courts; that he is desirous of practising his profession in this Province, and has prayed that an Act may be passed, authorizing Her Majesty's Courts of Queen's Bench and Common Pleas, and the Court of Chancery of Ontario, respectively to admit him as an Attorney and

and Solicitor of the Courts of Law and Chancery respectively, without having to undergo the usual service under articles or examination :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. It shall and may be lawful for the Courts of Queen's Bench and Common Pleas, and the Court of Chancery for Ontario, respectively, to admit the said Francis Elkington, the younger, as an Attorney and Solicitor of the said courts, upon his producing his Westminster Certificate of practice and paying the proper fees in that behalf, any law or usage to the contrary notwithstanding.

Power to Superior Courts to admit F. Elkington as an Attorney.

### CAP. XCIII.

An Act to authorize the Law Society of Ontario to admit William George Murdoch as a Barrister-at-Law.

[Assented to 21st December, 1874.]

**W**HEREAS William George Murdoch has by his petition represented that he was in Hilary Term last admitted to practise as an attorney and solicitor in Her Majesty's courts of law and chancery for Ontario, having passed the intermediate and final examination prescribed by law, and the rules of the Law Society of Ontario; and that he has since his admission as such attorney and solicitor been actively engaged in the practice of his profession; and that he was during his articles of clerkship, prevented by illness from preparing himself for and passing the usual preliminary examination prescribed by the rules of the said society; And whereas for the reasons aforesaid the said William George Murdoch has prayed that an Act may be passed to enable the said society to call and admit him to the Bar of Ontario upon his passing the final examination prescribed by the rules of the said society; And whereas, it is expedient to grant the prayer of the said petition:

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. It shall and may be lawful for the Law Society of Ontario in their discretion and upon payment of the usual fees therefor at any time to call and admit the said William George Murdoch to the degree of Barrister-at-Law, on his passing the usual final examination prescribed by the rules of the said society without his compliance with any requirements or provisions of law or other rules and regulations of the said society in that behalf, any law, custom or usage to the contrary notwithstanding.

Law Society may admit W. G. Murdoch, as Barrister, on certain conditions.

CAP.

## CAP. XCIV.

An Act to enable the Law Society of Ontario to admit Edward Stonehouse as a Barrister-at-Law.

[Assented to 21st December, 1874.]

## Preamble

**W**HEREAS Edward Stonehouse has, by his petition, set forth and represented that in Trinity Term in the year of our Lord one thousand eight hundred and sixty he passed the necessary examination and was admitted an attorney of Her Majesty's Courts of Queen's Bench and Common Pleas, and a Solicitor of the Court of Chancery in Upper Canada, (now the Province of Ontario,) and has been ever since continuously and actively engaged in the practice of his profession; And, whereas, for the reasons aforesaid the said Edward Stonehouse has prayed that an Act may be passed to enable the Law Society of Ontario to call him to the bar of Ontario and to admit him to the practice of the law as a Barrister-at-Law upon his passing the final examination prescribed by the said Society; And whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Law Society may admit E. Stonehouse, as a barrister on certain conditions.

**1.** It shall and may be lawful for the Law Society of Ontario in their discretion and upon payment of the usual fees therefor, at any time to call and admit the said Edward Stonehouse to the degree of Barrister-at-Law, and to the practice of the law as such Barrister-at-Law on his passing such final examination as may be prescribed and deemed satisfactory by the said Society, without his compliance with any of the other requirements or provisions of law or other rules and regulations of the said Society in that behalf, any law, custom or usage to the contrary notwithstanding.



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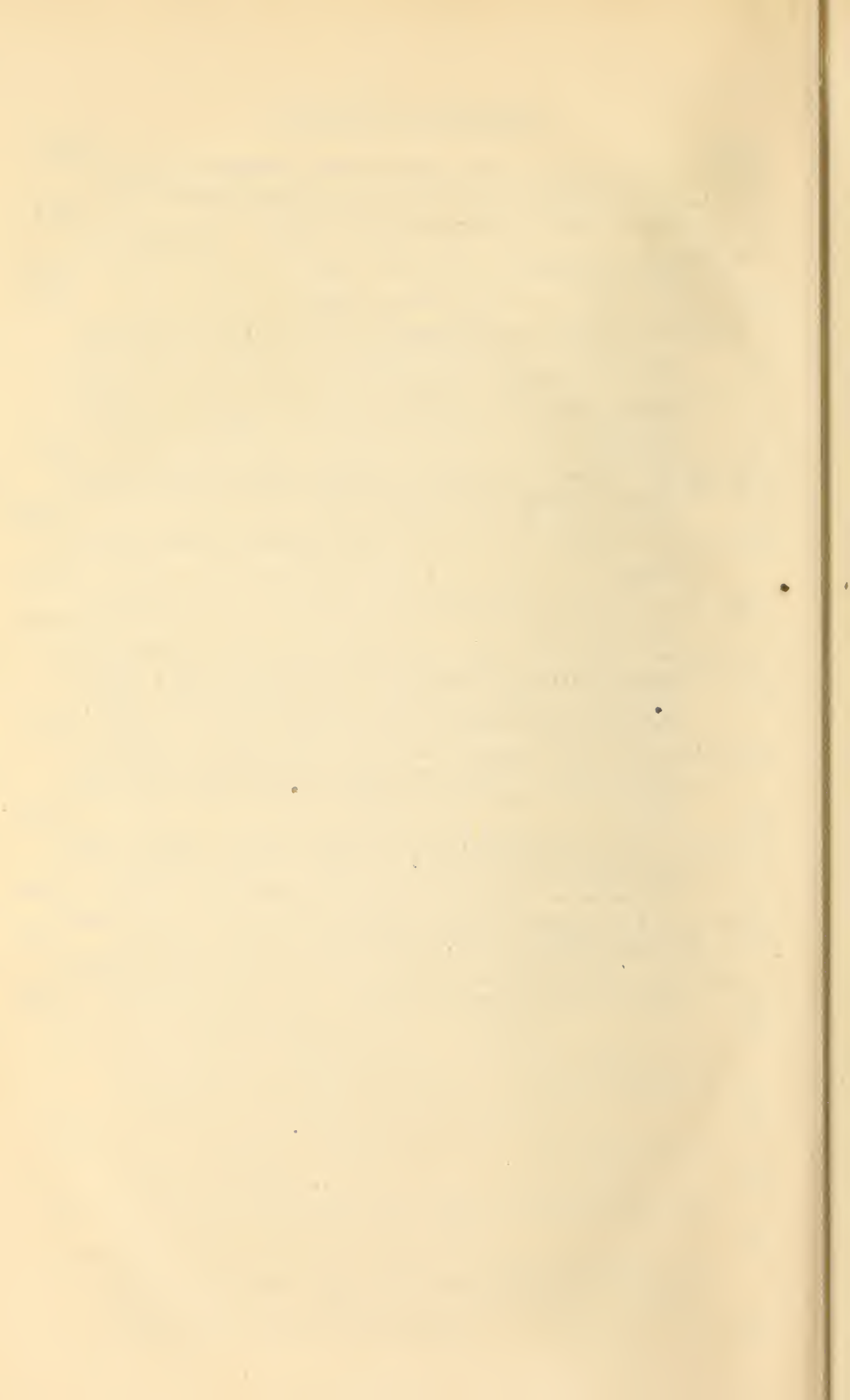
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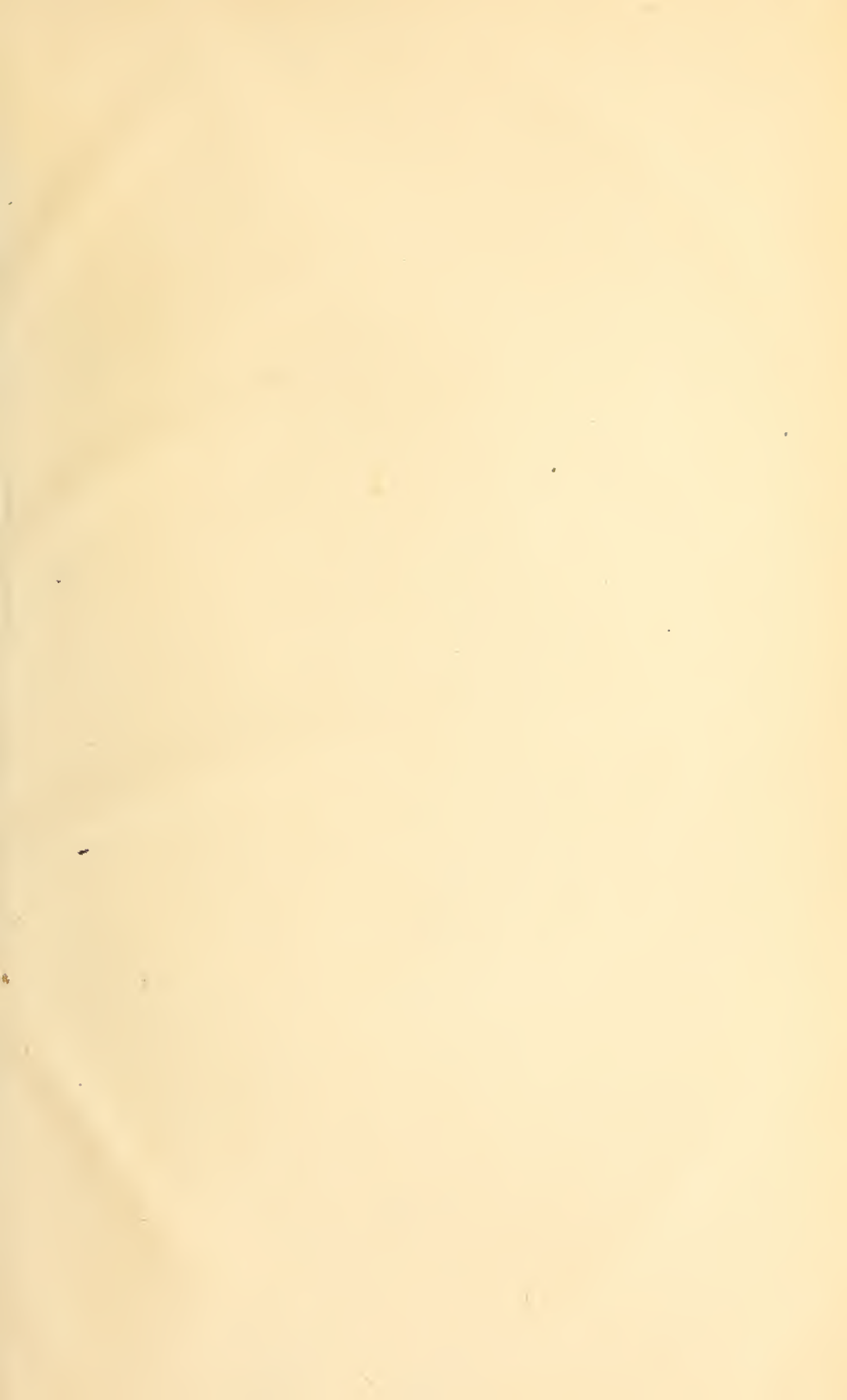
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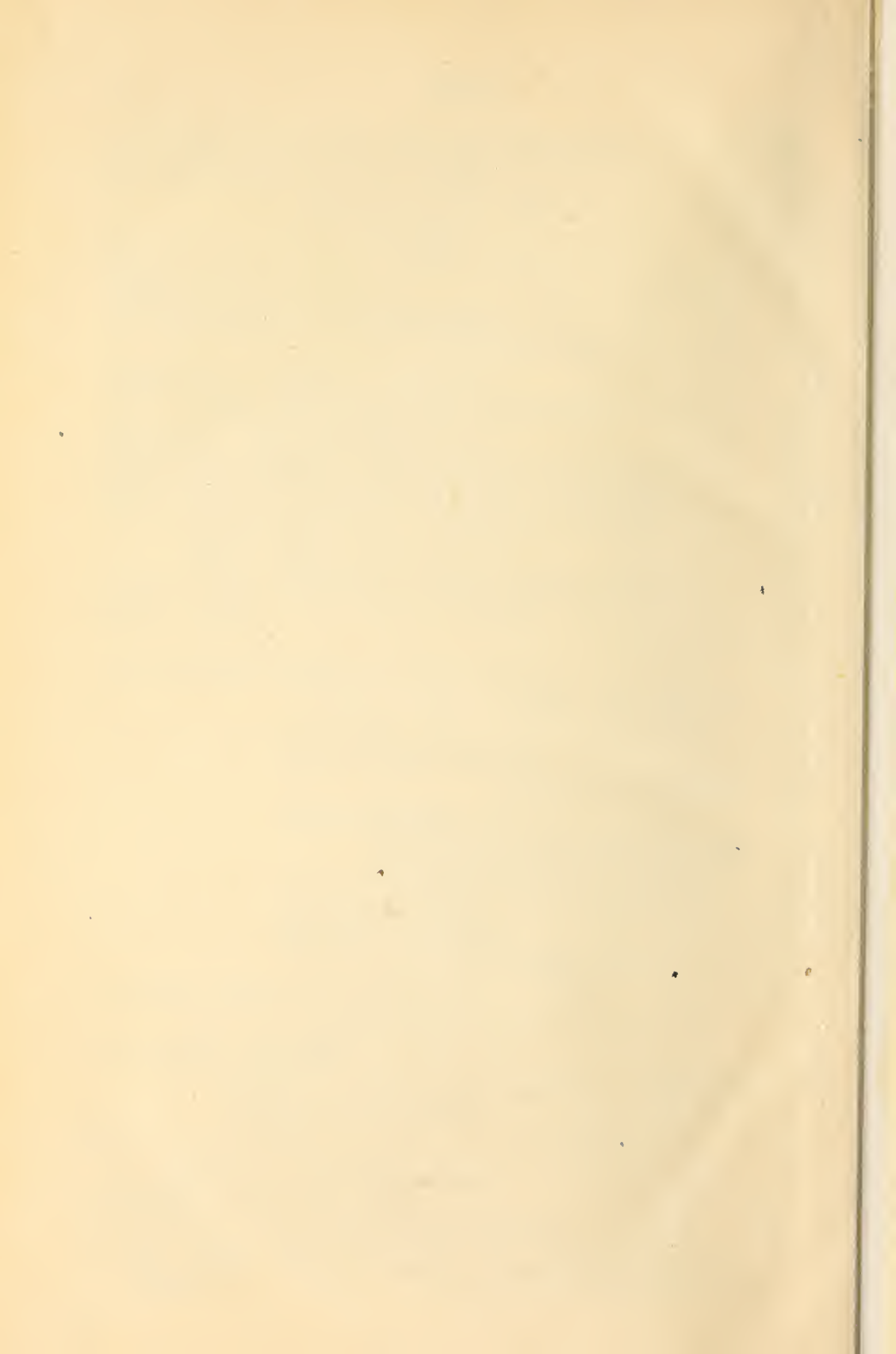
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